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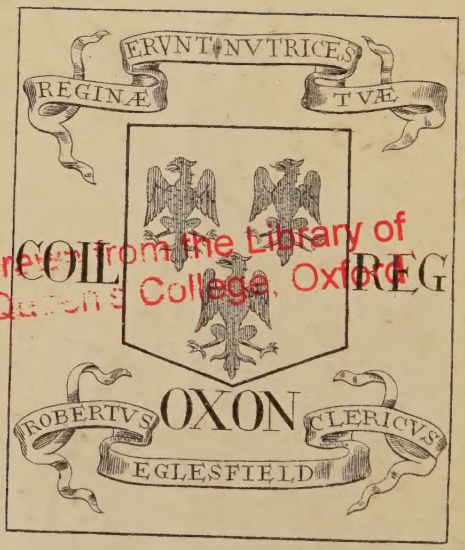

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HISTORY OF GERMANY IN THE NINETEENTH CENTURY

TREITSCHKE'S HISTORY OF GERMANY IN THE NINETEENTH CENTURY

TRANSLATED BY EDEN & CEDAR PAUL

WITH AN INTRODUCTION BY
WILLIAM HARBUTT DAWSON

VOLUME THREE

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INTRODUCTION.

THE present volume of Treitschke's History covers little more than the ten years beginning with the Congress of Aix-la-Chapelle, which was convened in 1817 by the four Powers forming the Grand Alliance to consider the restless state of reconstituted France and the already uncertain fate of the Bourbons. These years gave to Germany a period of calm after the great storm. One State was dominant in that country of many sovereignties at that time—Austria, as one statesman dominated German policy both at home and abroad—Metternich, Austria's Chancellor.

To say that is to give the key to the political events of an unfruitful epoch of national weariness and disillusionment. In the place of the dissolved Holy Roman Empire of the German Nation, Metternich had secured a fictive confederation of the States, not as loose in constitution as the union which Napoleon had destroyed, but equally powerless, and in it he had preserved inviolate the hegemony of Austria. He had successfully thwarted the constitutional aspirations of the time, not by the open and straightforward method of binding the Sovereigns and Governments—at least at the beginning—to an attitude of flat resistance, but more astutely by uniting them in the acceptance of a vague and shadowy promise of concessions which might mean much or little, as each kinglet or princeling wished, yet which he intended to mean nothing at all.

Now all his efforts were directed towards the one task of pressing Germany back into the morass of political obscurantism out of which she had seemed for a moment to have rescued herself. Understanding the conditions of this task better than his tools and dupes, he saw that reaction would be the more certain the more he could win over the States to a policy of inaction. That was the secret of the calculated omission of any reference whatever to times and seasons in the article of the Federal Act of June 8, 1815, which dealt with the future

government of Germany. He knew that the nation was tired out, exhausted, incapable of organising resistance and still more incapable of making resistance effective. Moreover, everywhere material occupations were making urgent calls upon its attention; the lost prosperity had to be retrieved, the harm done by war and long preoccupation with military employments to be made good, trade and industry to be rehabilitated, the decayed towns to be rebuilt, and the waste places repaired.

It was not difficult, therefore, to draw the Governments into the paths of reaction; with few exceptions those which at first were in a mood to hold back soon yielded to pressure or to their own doubts and compunctions. The Wartburg festival of the *Burschenschaften* in October, 1817, had been made a pretext for rebuking the exuberance of the student societies and for warning the universities themselves that they were under suspicion. Then in March, 1819, there was perpetrated one of those senseless crimes which have so often soiled the fame of good causes and obstructed the path of political advance. This was the assassination of Kotzebue by the Jena student Karl Sand at Mannheim. Kotzebue was a voluminous writer of indifferent plays, who had prostituted his talents to political espionage and was known to be in the pay of Russia, while his murderer was a youth of highly-strung temperament and unbalanced judgment, yet of orderly life, an ardent patriot, and an enthusiastic "Burschenschafter." Sand appears to have been convinced that he had a special mission to remove this enemy of the commonwealth, and if he took the life of the obnoxious informer he at least tried to take his own, and mangled himself terribly in the act. He was kept alive in prison for a long time in suffering, and as soon as his doctors could be persuaded to certify his fitness for the scaffold he was duly decapitated. Had the matter ended there Germany would have been spared much shame and tribulation.

Politically, the only significance of the crime lay in the fact that popular opinion condemned the Governments almost as much as the murderer, and that Sand's fellow-students applauded his act as one of patriotism. The idea that it was part of a deeply laid conspiracy against order was busily exploited, but without the slightest justification. To Metternich, however, the crime was a godsend, for he could point to it as a justification of the measures which had already been taken by the reactionary Governments and use it as a whip

wherewith to lash the laggards to heel. Even the Emperor of Russia, who had hitherto played with Liberalism as a child with a new toy, was now induced to abandon his complacent attitude, and fell into line with the two other Eastern Powers.

First agreeing with Prussia upon a common basis of action —Metternich openly boasted at this time that he carried Prussia in his pocket—Austria called a conference of the German Ministers at Carlsbad, at which a series of Decrees, aiming at the repression of liberal movements and tendencies in every form, was drawn up in August, 1819. In the following month, on the proposal of Metternich, the Carlsbad resolutions were duly adopted by the Federal Diet, which thereby stamped itself finally in the eyes of the nation as the inflexible enemy of popular liberty. It rested with the federated Governments to accept and enforce the Decrees with modifications of their own; in many of the States their severity was increased, in few was it relaxed.

Everywhere the Press was subjected to rigorous control, and the editors of suppressed newspapers might not be employed in journalism for five years. Books and pamphlets were placed under an intolerant censorship. Political agitation by association, assembly, and public speech was relentlessly suppressed. A tribunal was set up for the trial and punishment of treason, only to make itself ridiculous, because it proved impossible to find traitors. So far did interference with intellectual liberty go that it was required that in every University a Government commissary or proctor should be appointed charged with the duty of spying upon the teaching and opinions of the professors, preventing the formation of student associations, and generally keeping the educated youth of the nation in order. These police agents do not all appear to have been proud of their office or work, and their unpopularity at times caused them anxiety. Carl Schurz, the high-minded German refugee who, after the revolutionary movements of 1848, found a home and honour in America, recalling in his "Recollections" the effect produced in the Rhineland by the Paris revolution of July, 1830, tells how on the first news of the outbreak reaching Bonn the Government commissary assigned to the University there promptly quitted the town by train, leaving no word of his destination.

From 1819 forward the intellectual atmosphere of Germany was poisoned by the miasma of political intolerance, bigotry,

and dishonesty. The sycophant, the time-server, the apostate, and their kind flourished; honest men hid their heads in shame or, raising them, were smitten down by the cowardly blow of the renegade and the informer. The country was overrun with spies, whose business it was to smell out political disaffection, or incite to it. The despicable Schmalz had been decorated by Frederick William III of Prussia several years before for his activity in this dirty work. Now the foundations were laid of the vicious system of "denunciation" which became the dishonour of German criminal law, and which still flourishes to-day like a green bay-tree.

Many of the noblest spirits of the time had to taste the bitterness and gall of political persecution. Ernst Moritz Arndt, the poet-patriot, was one of the number. "Where," asks Treitschke, shaken for a moment out of his comfortable belief in the doctrine that Prussian kings can do no wrong, "where was Prussian justice when this truest of true men was compelled to bury his correspondence in the cellar?" Where, it might be asked with greater force, was Prussian justice when Arndt was flung into prison and for three mortal years tortured by false accusations and fictitious indictments by persecutors who could not convict him yet had not the decency to set him free? It even became a crime to criticise the Bund. Heine, indeed, launched against it the shafts of his mordant satire, but he did it from a citadel of freedom in Paris. One can afford to smile at Treitschke's lament that England, Denmark, and Holland, which were accredited to the Bund in virtue of Hanover, Holstein, and Luxemburg respectively, were in part responsible for the sins and follies of its Diet at that time, since they were alien elements. Treitschke could paint with strong and brilliant colours, but when it came to the use of whitewash his mixtures were apt to be singularly thin.

It was the misfortune of Prussia that, yielding to the overmastering will of Metternich, she allowed herself to become the centre of this nefarious conspiracy against the spirit of the German nation. When the Decrees came before the Prussian Cabinet, Humboldt and his Liberal colleagues courageously condemned them in a memorial to the King as an "unjustifiable interference in the internal affairs of the Kingdom, a shameful attack upon public liberties, and dishonouring to an enlightened people." The King gave the dissentient Ministers

the choice between submission and resignation, and they laid down office rather than connive at political turpitude In Prussia the Decrees were enforced with almost incredible malice. In that way Prussia created evil traditions from which she has not emancipated herself to the present day.

Yet here the reaction did not stop. Frederick William III had refused to grant a constitution even after Chancellor Hardenberg had whittled down his scheme to the utmost. Not satisfied with this capitulation, Metternich persuaded Prussia to join with Austria in calling upon those Sovereigns who, loyally accepting their obligations under Article 13 of the Federal Act of June 8, 1815, had given constitutions to their States to undo their work. The challenge was only partly successful, yet this act of perfidy likewise rebounded upon Prussia as the more German of the two larger Powers. The smaller States were indignant that Prussia, which had led the nation to freedom from a foreign yoke, was now anxious to lead it back into political bondage at home. They were also apprehensive. Prussia had been built up by conquest; the memory of her greed at the territorial settlement was still fresh; and the suspicion formed and grew that the spirit of aggression at the expense of her German neighbours was still not extinguished in the northern Kingdom. Already had begun amongst the States that system of cliquery and conspiracy, of alliances and counter-alliances, which continued for nearly half a century, until the strong hand of a statesman greater than Metternich swept away the old divisions and made Germany one almost against her will.

The Carlsbad Decrees continued in force for nearly twenty years, and their spirit was the spirit which dominated the home politics of Germany during the whole of that time and long after. Henceforward the German Diet found little more, and nothing more congenial, to do than to fight against the liberty and unity of the German nation. The only earnest resistance against this movement came from some of the smaller States, but because behind it there was no force other than that of reason it failed to deter or impress. And beneath all the lashing of the tyrant's whip the well-drilled German nation was patient and docile, accepting its beating almost thankfully as a favour administered for its good. It was not until 1830 that it dared seriously to murmur and not until 1848 that it dared to threaten. What a grudge should Liberal Europe, were it

less generous, owe to this tractable, much-enduring people! Nowhere else in Christendom has a like oppression been borne with a like resignation. It was never thus that free peoples were born and free institutions won.

The arrogance of Metternich reached a height almost sublime when, having obtained from the Diet all that he wanted for the present, he advised it in 1828 to adjourn indefinitely, since there remained no longer anything for it to do. In the hour of this triumph of reaction Austria's power in Germany seemed to be at its zenith. Well might her Chancellor boast, "If the Emperor doubts that he is Emperor of Germany, he errs greatly." And yet in proportion as Austria was strong in Germany, Germany was weak in Europe. Not in the time of the moribund Empire did she stand lower in the council of the nations or mean less to the life of Europe than during these years of languor and stagnation.

Treitschke's history of the period deals with much more than the Carlsbad Decrees, yet the spirit of the Decrees and the laws built upon them was reflected in the entire policy of the German Diet both in home and in foreign relations. By a Convention of November, 1815, the four Powers forming the Grand Alliance—Austria, Russia, Prussia, and England—had agreed to confer at intervals upon measures tending to the peace of Europe. The conferences of Aix-la-Chapelle (1818), Troppau (1820), Laibach (1821), and Verona (1822), were held in pursuance of this arrangement. In these conferences, as in the domestic conferences of the German Sovereigns among themselves, Austria's influence was exerted wholly on the side of reaction. Metternich saw in the Concert of the Powers merely a device for placing all Europe under the same system of police surveillance which he had succeeded in imposing on Germany. To him every stirring of national feeling and consciousness was a challenge to conflict between the principles of Order and Revolution as defined by the dominant autocracies. In all the measures, now passive, now active, for the repression of national movements or Liberal aspirations—in Spain and Portugal, in Naples and Greece—Austria was the ringleader and Prussia meekly did her bidding. Only Great Britain protested seriously, yet not always with success, against these attempts to buttress the crumbling ruins of a decadent and discredited despotism.

From this unprofitable story of Germany's political decline and impotence under the influence of Metternich, for half a century her evil genius and undoer, it is a relief to turn to the brighter story of her internal development. If not startling, this was far from uneventful. Prussia, the last of the German States in political government, was the first in scientific administration, and the fact must be remembered to her credit. The genius of her rulers and statesmen for order and organisation was proverbial, and in grappling with the many difficult problems incidental to a time of national transition and reconstruction it found a fruitful sphere of action. National and local taxation was reformed in a progressive spirit; a system of provincial administration was created; public education was organised on a broad basis and on bold and enlightened principles. Moreover, the way was cleared for the new industrial and commercial development which was looming ahead by the abolition of the internal duties and excises which had acted so injuriously in restraint of trade, and the enlarged kingdom was made a free market, protected only against competition from without. Prussia did more; she set all Europe an example by so moderating her tariff against the foreigner that from 1818 forward her fiscal system more and more approximated to Free Trade. Reciprocal Protection continued for a time to be the rule between the German States, but here, again, it was Prussia which led the way to the ultimate abolition of all internal customs barriers and the consolidation of the German States for commercial purposes in a single customs union.

WILLIAM HARBUTT DAWSON.

VOL. III.

BOOK II. (*continued*).

THE BEGINNINGS OF THE GERMANIC FEDERATION.

1814-1819.

CHAPTER VII.

THE BURSCHENSCHAFT (The Students' Association).

§ 1. Jahn and the Gymnastic Societies.

At all times the thoughts of young people have been more revolutionary than those of older ones, for the young live more in the future than in the present, and as yet lack an adequate understanding of the power of the persistent in the world of history. It is, however, a sign of morbid conditions when the chasm between the ideas of the old and those of the young becomes too greatly widened, and when youthful enthusiasm no longer has anything in common with the sober activities of adult manhood. Such an internal separation began to manifest itself in North Germany after the peace. The young men who in the panoply of war had experienced at one and the same time the dawn of their own conscious life and the dawn of the fatherland, or who while still at school had with palpitating hearts received news of the marvels of the holy war, were still drunken with the memories of those unique days. In spirit they continued to wage war against Gallicism and foreign dominion, and felt as if they had been betrayed and sold to the enemy when the prose of the quiet labours of peace resumed its sway. How were they to understand the nature of the economic cares which tortured the minds of their elders? In times of old (such was the summary philosophy of history of the young), in the days of the national migrations and in the days of the empire, Germany had been the master-country of the world. Then had ensued the long centuries of powerlessness and enslavement, of degeneration, and of subordination to foreign influences, until at length "Lützow's fierce and daring hunt" stormed through the Teutonic forests, and the consecrated hosts of martial youths restored the German nation to itself. And what was their reward? Instead of the unity

of the fatherland there resulted "the German hotchpotch" (*das deutsche Bunt*), as Father Jahn was wont to call it; whilst those of the older generation, from whose necks the heroism of the young had lifted the foreign yoke, relapsed into philistinism, resuming their labours at the desk and in the workshop as if nothing had happened.

Had not Fichte seen the truth when he prophesied that this older generation, overwhelmed in self-seeking, must disappear to the last man before the days of freedom and clarity of vision could dawn for the Germans? Was it not the part of the young to give to their outworn elders an example of true Germanism, and therewith an example of all sterling human virtues? The young alone possessed "the completely new self" which the philosopher desired to awaken in his nation; they alone understood the significance of his proud utterance, "To have character, and to be German, are beyond question synonymous terms." Not in vain had the orator proclaimed to the German nation, "Youth must not laugh and make merry, but must be earnest and sublime." Proud as Fichte himself, with erect carriage and defiant smile, this warlike young generation passed on its way, permeated with the consciousness of a great destiny, resolved, like the master himself, not to adapt itself to the world, but to mould the world in accordance with its own will. Its longing was for action, for the action which issues from free self-determination, as extolled by Fichte; and every flash of the critical eyes seemed to say, "That which is to happen must be our work!" Never before, perhaps, had so ardent a religious sentiment, so much moral earnestness and patriotic enthusiasm, prevailed among the German youth; but conjoined with this pure idealism was from the very first a boundless conceit, a precocious self-sufficiency in virtue, which threatened to expel from German life its charm, its beauty, and its repose. The rough manners of the younger generation recalled all too vividly the master's saying, "The doctrine that we should be amiable is the devil." When these Spartans strayed into false paths, the aberrations of an overstrained moral egoism were apt to prove more disastrous than the captivating folly of light-minded youth.

Who can tell whether Fichte, had his life been prolonged, would have endeavoured to restrain these eager youths within the bounds of modesty, or whether the revolutionary idealist

would himself have become embittered by the disillusionments of the years of peace? He died of hospital fever in January, 1814, a victim of the war, whose significance and purpose he had understood so grandly and so purely; and now the younger generation, which ever looks for leadership, passed under the influence of other teachers, not one of whom was great enough to control the arrogance of youth. Among Lützow's yagers, Jahn, the Turnvater, had proved of little account; the unruly blusterer was ill suited for the strict discipline of military service. It was first during the peace negotiations that he once more became a conspicuous figure, delighting the *gamins* as he strode through the streets of Paris, cudgel in hand, continually railing against the "lecherous Frenchmen." His long hair, which had turned grey in a single day after the battle of Jena, hung down uncombed upon his shoulders; his neck was exposed, for the servile stock and the effeminate waistcoat were equally unsuitable for the free German; the low-cut neckband of his dirty coat was covered by a wide shirt-collar. With great self-satisfaction he extolled this questionable get-up as "the genuine Old German costume." What a scene, one day, when the Austrians were removing the bronze horses of the Lysippus from the Arc de Triomphe du Carrousel in order to send them back to Venice; all of a sudden the giant swordsman was to be seen standing on the top of the arch beside the brazen figure of Victory, making a thunderous speech to the soldiers and with his heavy fist delivering powerful blows on the lying mouth and boastful trumpet of the goddess. After this episode he was known to the whole town. It delighted his heart whenever the Parisians looked at him with angry glances, and whispered to one another, "Le voilà! Celui-ci!"

After his return home he reopened his gymnastic school: "Fresh and joyful, godly, free, the gymnasts' confraternity!" The youth of Berlin hastened in crowds to the *Turnplatz*, or open-air gymnasium, on the Hasenheide and to Colonel Pfuel's swimming-school in the Spree. It is true that only a portion of the students came, for the majority considered it touched their honour that complete equality should prevail among the gymnasts, and that they should have to use and suffer the familiar "thou" in intercourse with "cads." Even among the lower classes the new art at first secured few adherents, for those who are continually engaged in physical toil do not consider that they need special bodily training. All the more

zealously, however, did those students participate who came from Plamann's Academy, where Jahn had once been a teacher, and those from the various higher educational institutions attended by members of the upper classes. These youthful Teutonisers had perforce been unable to take part in the holy war, and now burned with zeal to make up for lost time, and to give proof of Germanism in their defiant spirit and vigorous muscles. Their eyes flashed when in his wonderful alliterative phrases Jahn drew for them a picture of the genuine gymnast: "Virtuous and vigorous, continent and courageous, pure and prepared, manful and truthful!" It was not necessary to tell them twice over that they were not to stand about like "the lazy loafers with the vacant faces," the utterly contemptible "pastry-cooks" (the bourgeois who from across the fosse which surrounded the Hasenheide looked on with astonishment at the young men's feats). "It is not swilling and gorging," said Jahn, "but living and doing which ought to predominate in popular festivals." How, then, did they "live and do" on the *Turnplatz*, when the young fellows, all clad in jackets of unbleached linen, with bare necks and long hair like the master, performed their unexampled feats: hopping and the "turnspit," the "balance" and the "see-saw," the "ape-leap," the "frog-leap," and the "carp-leap," feats on the trapeze, the parallel bars, and the horizontal bar, with, to crown all, the grand circle. Enraptured ran the gymnasts' song (*Turnlied*):

When for the people's old and sacred rights
  Bravely the Turnermeister, Friedrich Jahn,
Strode to the field where man for freedom fights,
  A warlike generation followed on.
Hey, how the youths leapt after him,
  Fresh and joyful, godly, free!
Hey, how the youths sang after him:
  Hurrah!

When the vacation came it was Jahn's delight to shoulder his axe and, accompanied by a small band of devoted followers, to undertake a long cross-country tramp in all weathers, proceeding by forced marches as far as Rügen or the Silesian mountains. At night the grey-jackets would camp in the open around their watch-fires, doing all this to promote godly Germanism, and loudly then would resound the gymnasts' tramping-song (*Turnwanderlied*):

Close rooms, sitting round the stove,
Make weaklings Frenchified.
The tramping life we gymnasts love
Makes us true and tried.

For food, in many cases, they had nothing but dry bread, and rarely did they drink anything but milk or water, for the Turnvater counted moderation among the peculiar virtues of the German, an opinion which before his day assuredly no mortal had ever shared. Those of sluggish intelligence must not grumble if the hot-tempered master should endeavour to quicken their thought-process with a box on the ear. But if any one of them too grossly transgressed the principles of Germanism, or if the lively crowd came across something repulsive, such as a French inscription, or some curled and scented darling of fashion, some preposterous dandy, then "they let themselves go," for the young rascals squatted in a circle round the offending object, all pointing at it, loudly exclaiming in chorus, "ugh! ugh!"

In a valiant nation all methodical physical training must subserve warlike ends unless it is to degenerate into solemn foolery. The gymnastic course, introduced as a part of regular school discipline, might constitute a wholesome counterpoise to the over-refined culture of the day, and might facilitate the carrying out of universal military service. It was with this end in view that years before Gneisenau had recommended military drill for all the youth of the country, and a similar aim, pursued in a somewhat extravagant fashion, was now voiced by the Breslau gymnast, Captain von Schmeling, in his work *Gymnastics and the Landwehr*. But this crank Jahn, whose buffooneries had sufficed to make him a person of note, was unable to do even a wise thing in any other than a foolish manner. In youth he had been inspired with hatred for the pipe-clay-and-polish methods of the old army, and he possessed neither the culture nor the flexibility of mind requisite to understand the significance of the new Army Law. Since after the peace many of the useless arts of the parade-ground were revived, and since it was sufficiently obvious that the elegant officers of the guard in Berlin had no more than an extremely moderate affection for the long-haired roughs of the Hasenheide, in Jahn's view the army had relapsed into the condition of 1806, and after his ancient manner he stormed

against "the recruited mercenaries who were drilled upon the parade-ground." His thoughtless pupils refrained, of course, from asking themselves the simple question where in Prussia these recruited mercenaries were to be found, but faithfully followed Jahn's lead, and sang with contemptuous delight:

Why does the uhlan warrior tall
With tight-laced stays his body gall?
Because with no support at all
His heart would in his breeches fall!

The gymnastic grounds were the breeding-places of those party legends whereby in the popular mind was falsified the history of the War of Liberation. It was not, they came to believe, the arts of the men of the corporal's cane, but the enthusiasm of the Landwehr, the Landsturm, and, above all, of the volunteers, which had gained the victory. All the deeds of valour which Jahn and his Lützowers had intended to perform, but which unfortunately they had failed to effect, now became real after the event in the boastful talk of his comrades of the gymnasium. To hear these men of power was to gain the conviction that the next time the French made an attack a single great gymnastic feat on the part of Jahn's disciples would suffice to pulverise the enemy. "We who are weather-proof," said the *Turnlied*, "have no fear of mercenary warriors."

Just as Jahn would have nothing to do with the army, so would he have nothing to do with the schools: his gymnastic grounds were to constitute a world apart, a nursery of Germanism, inspired by his spirit alone. Though he was a pious and honourable man, the excessive admiration which he received from many persons of far greater gifts, turned his head. Was it not natural that he should come to regard himself as the guardian angel of the German youth, when Schenkendorf, writing his beautiful poem "When all become unfaithful, still faithful ever we," had testified his respect for the Turnvater with the dedicatory words: "Renewed fidelity to Jahn!" Here it could be read by all men, that, whilst others went a whoring after idols, Jahn alone with his disciples continued "to teach and to preach the Holy German Empire." Two universities, Jena and Kiel, gave him a doctor's degree almost at the same date, and with all the pomp of academic official eloquence lavished praises on the founder of the *ars tornaria*,

the awakener of youth, the saviour of the German tongue, the new Martin Luther. Friedrich Thiersch dedicated his edition of Pindar to Jahn, and in a stirring preface showed how gymnastics rendered the Hellenes and the Germans akin in their devotion to all the ideal aims of the human race—but unfortunately the figures of the early gymnasts of the Hasenheide were far more often reminiscent of the pictures of gladiators to be seen in the baths of Caracalla than of the laurel-crowned victors of Olympia.

When talented professors overvalued the stalwart Priegnitz peasant in this remarkable way, how could his youthful followers fail to idolise him? They all imitated him, especially his defects, his barbarous speech, his roughness, and his uncleanliness. His fondness for vigorous vernacular expressions soon became a craze, for he was entirely lacking in the power of self-criticism. The young gymnasts and the furious Francophobes of the Berlin "German Language Society" outdid the master's follies, instituting, under the plea of linguistic purification, a professional hunt against all words of foreign origin, speaking of the universities as *Vernunft-turnplätze* (drill grounds of the understanding), referring in the concert hall to the *Einklangswettstreite des Klangwerks* (one-tone-wager-strifes of the clangwork, *i.e.* harmonious competition of the instruments), and so on, and thus succeeded in manufacturing an inflated gibberish which was no less un-German and was far stupider than that seventeenth-century lingo which was interlarded with foreign fragments. Jahn's own manners remained just as rude and uncouth as they had been in the heroic days of his academic youth, when he was accustomed to throw cow-dung in an opponent's face, and when he entrenched himself in a cave on the declivity of the Giebichenstein in order to hurl rocks at the Halle students who were endeavouring to storm his position.

Young men became decivilised under the leadership of a churl to whom art, antiquity, the whole world of the beautiful, were closed books. In respect of courage and vigour, the new Germanism was extravagantly endowed; but other no less German virtues, modesty, the scientific spirit, abstemious diligence, and veneration for age and for the law, were disdained. Moralising zealotry is agreeable to no one; in the mouths of immature students such zealotry seemed as tasteless as did boasts of chastity, that chastity which is of value only when

it displays a discreet reticence. All judicious teachers began to complain that their students were becoming pert and unruly, and that the chick always wished to be cleverer than the hen How often had foreigners been amused by the strange contradiction that while the Germans perhaps held a higher view of woman's dignity than did the members of any other nation, yet in their forms of social intercourse they displayed so little evidence of such a sentiment; it was first through the graces of the new literature that some limitations were imposed in this respect upon masculine arrogance, so that woman once more came into her rights in German society; but now the unlicked Teutonic cub stretched his limbs again, growling the while, and our young men made it a point of honour to render themselves odious to women. Behind this renowned Teutonist bluntness there was hidden a considerable amount of self-deception; the rough tone was a fashion like any other, roughness in the Germans being often just as artificial as was politeness in the inhabitants of other lands. Beneath the terrorism of the Teutonist affectation of rigorous phrases and vigorous manners there went on an atrophy of the kernel of all that is truly German, the fine freedom of personal individuality. The forced unnaturalness of this deliberate berserkerdom served merely to show that the humane and serene virtues of the Athenians are more akin to the German spirit than is the unamiable harshness of the Spartans.

The most remarkable feature of the whole matter was that this new Germanism, which in its dreams comprehended the entire fatherland, immediately relapsed into the ancient and ineradicable spirit of clique, so that simultaneously with the promulgation of Germanism there began the formation of a secluded sect with its own customs and its own peculiar speech. Here was the gymnast's state (*Turnstaat*), the gymnast's mode of life (*Turnleben*), the gymnast's confession of faith (*Turnbekenntnis*), here alone did true freedom and genuine equality flourish:

> Thus fostering a kingdom free,
> In rank and class all equals we.
> Realm of the free! All equals we!
> Hurrah!

Rarely in the gymnasts' songs do we hear the clear tones of frank, youthful joyousness. Most of the young poets assume

a combative attitude, challengingly, threateningly, scoldingly making onslaught upon the enemies of the most excellent gymnastic art: "Is the eagle derided when mocked at by the sparrow on the dunghill?" How foolishly did Jahn himself cultivate this sectarian spirit. Whoever remained aloof from the circle of initiates was a "false German," a "she mannikin" (*Siemännlein*), a "tyrant's slave," and was treated with the grossest intolerance. In the seventh of his "laws for gymnasts" Jahn expressly directed that every gymnast should immediately report the discovery of anything "which friend or foe of the turncraft may say, write, or do for or against the said craft, in order that at the fit time and place all such fellows may be thought of with praise or blame!" Thus in all innocence there gradually came into existence a state within the state; the harmless gymnastic art assumed many of the more sinister characteristics of political fanaticism, and not a few persons of timid disposition were reminded of the English roundheads by the puritanism of the German longhairs, or were even led to compare the sanscravats of Germany with the sansculottes of revolutionary France.

Adults are always partly responsible for the follies of the young. The arrogance of the members of the younger generation would never have risen to so high a pitch had not their elders treated the childish sport with an exaggerated measure of praise and of blame which to us of to-day, amid the pressure of our serious party struggles, is already becoming unintelligible. Public life in Prussia seemed dead, and the great work of the reconstruction of the state was carried on solely within the retirement of official workrooms. The newspapers allotted to the fatherland a restricted and inconspicuous place on the last page beneath the foreign news, and for weeks in succession would often find nothing to report about the homeland beyond princely visits and manœuvres, or the choice celebration of an official jubilee, when the retiring greyhead received the order of the red eagle and shed tears of emotion at "this unquestionably rare proof of royal favour." It was only the gymnastic grounds which provided copy. The papers were never weary of describing "what amazing gentleness and pious innocence, what fortitude of body and profundity of mind, are displayed by these valiant youths," although most of the repose-loving readers of the journals secretly disliked the "grey rascals." The ostentatious bustle of the

gymnasts' tramping excursions recalled the uproarious doings of the mediæval flagellants. In many little towns the entire corporation would assemble at the gate to receive the gymnasts as if they had been a victorious army; and the first time Jahn led his devoted followers to Breslau, half the town had turned out to meet them, so that for many miles along the high road the youthful heroes, dripping with sweat, and far from embellished by their prolonged exertions, passed along between lines of gaping burghers.

Contrasted with such "outsiders" they could not fail to regard themselves as chosen fighters on behalf of "the good cause." Doubtless among the older generation a few might be found "who were not intellectual cripples," and who, like the gymnasts themselves, vigorously waged war against foreign manners, against the "foul and poisonous French tongue." Such a man was Gottlieb Welcker, the philologian, who published a pamphlet *Why we must rid ourselves of French.* Willemer, again, of Frankfort, the husband of Goethe's Suleika, wrote *A Word to the Women of Germany*, an onslaught upon Paris fashions. The same idea was carried a stage further by Councillor Becker of Gotha, who delivered a fierce attack upon "over-dressed women and the foolish law-giver fashion," but unfortunately the sober picture of German festal array appended to his book was a mere imitation of the black Spanish dress of the seventeenth century. In any case, the women of Germany would not give up their bright colours, nor the men endeavour to do without the exchange of ideas with French civilisation. Since the elders also remained obstinately Francophile, the Teutonist movement was restricted to the very young, and among these its extravagance increased day by day. Many a father sent his son to the gymnastic ground only in order to protect the lad from the scorn of companions. Whenever a young man encountered another and both were wearing a dagger attached to a steel chain displayed outside a shabby Old German coat, the two would immediately fraternise like the members of an invisible church, interchanging enthusiasm for their "conviction." This term "conviction" had hitherto denoted a belief acquired from without, based upon another's testimony, but now the word gained a new emotional significance which it retains to this day. Conviction was the voice of conscience, the genuine ego of the German; fidelity to conviction was the highest of all virtues, and to change it was to betray oneself and to be false to Germanism. Rejoicing in their common conviction, the young

people felt secure of the future; and Sartorius of Giessen, nicknamed "the peasant," sang in his *Turnleben:*

> O'er all possible affliction
> Soars triumphant our conviction.
> 'Tis this that makes us equals true
> And founds for us our kingdom new.

Yet not one of the young enthusiasts could explain the real nature of this sacred conviction, and least of all the Turnvater himself. Nothing could be more absurd than to accuse such a man as Jahn of the arts of the secret conspirator, for he was one who never felt at ease except in the midst of noise and tumult. His loyalty to the king was beyond question; how often, even in later years, did he teach his young friends that salvation for Germany was to be found in Prussia alone. The unity of the fatherland remained his dream. He felt, and often gave vigorous expression to his feeling, that a coalition war followed by a blighted success did not suffice to awaken the slumbering national pride. "Germany," he said, "needs a war that is entirely her own affair, to arouse her nationality to the full." In his *Runic Leaves* (1814), he described even more expressively and in a yet more astonishing manner than in his earlier work *German Folkdom* how the soul of the nation decayed under the influence of particularism: "The fatherland must awaken lofty feelings, arouse lofty ideas, be a shrine, and become heroism. Paltriness is the grave of all that is great and good." Like Fichte he longed for a despot who would constrain to Germanism. The tyrant-creator and unity-bringer is honoured by every nation as a saviour, and all his sins are forgiven him. Yet Jahn had never given any serious thought to the forms of German unity or to the means for its attainment, regarding it as a matter of indifference whether the imperial dignity should be hereditary in one particular house or whether it should be allotted to the German princes in rotation, "like the brewer's licence in many German towns."

He rarely spoke of politics to the mass of his pupils, and many rigidly conservative young men, like the brothers Ranke, for instance, took part in the exercises without noticing anything amiss. But all the more did Jahn transgress by delivering good-for-nothing orations in the circle of his intimates, railing immoderately about men and things far beyond the scope of his

understanding, and boasting of approaching contests with unknown enemies. What could the young hotspur Heinrich Leo think when the Turnvater elaborately taught him that with a dagger one should first feint at the eyes, and then, when the victim had his arms in front of his face, should strike at the unprotected breast? Franz Lieber, the most talented and most deeply stirred among the youthful enthusiasts, conscientiously entered in his notebook "Golden Sayings from the Lips of Father Jahn," embellishing them at times with the wisdom of his own eighteen years. When the master had delivered the weighty utterance: "Word against Word, Pen against Pen, Dagger against Dagger," the pupil added the conclusion on his own account, "Should they arrest me, Aha!"—and the unmeaning vaunt sounded like the password of a conspiracy. With the expulsion of the French, Jahn's store of political ideas was exhausted; the public lectures upon Germanism delivered in the year 1817, while containing a few isolated points of value, consisted for the most part of vain catchwords. He would have preferred that between Germany and France there should exist an impassable barrier, a great wilderness peopled only by the bear and the aurochs; but since this had unfortunately become impossible, steps must at least be taken to break off all intercourse with the French. "One who allows his daughter to learn French might just as well teach her to be a whore." This sort of thing was interspersed with violent attacks upon the secret and inquisitorial proceedings of the law-courts, and he had a whole dictionary of invectives against statesmen and courtiers. His closing exclamation was: "God save the king, safeguard Germanism, and graciously grant us the one thing we need, a wise constitution."

His own mind was quite hazy regarding the nature of this wise constitution, but his youthful followers did not fail to outdo the master in foolish chatter concerning questions beyond their comprehension. The effrontery of the gymnastic cult, its contemptuous hatred for all that was brilliant and all that was noble, was indeed rooted in the indelible peculiarities of the German character. The yearning for the rude simplicity of primitive man had always been preserved among our people, and had often before, whenever the Teutonic blood began to effervesce, displayed itself in the form of wild roughness; this was the case in the coarse writings of the sixteenth century, and again comparatively recently in the epoch of the poetical

Sturm und Drang movement. Yet even the fanaticism for political equality of the detested Jacobins exercised an unrecognised influence upon the thoughts of the gymnasts. When Buri's *Turnruf* ordered idlers out of the wrestling ground with the words, "Away from the shrine of equality, where slave and master are equally hated," it was impossible that the young hotheads of this evangel of equality should fail to apply the saying forthwith in the sphere of political life. Lusty terms of abuse directed against the "toadies, play-actors, whores, horses, and dogs" of the dissolute courts were in common use among the gymnasts; and in the schoolrooms there was much pleasure taken in an arithmetical sum propounded by a staunch Teutonising teacher, "If one princely court costs 2,000,000 thalers, what is the cost of three and thirty?" Many of the beautiful poems of the War of Liberation acquired fresh significance in peace time. The popular anger to which they appealed was involuntarily directed, now that the foreign despot had been overthrown, against enemies at home; and soon new songs became current which openly glorified the struggle of the free gymnasts against the crowns:

> Crowned illusion still fights against truth,
> Virtue contends ever with the devil . . .
> The cradle of freedom and the coffin of oppression
> Are both fashioned from the tree of gymnastics.

Thus the serene enthusiasm of our youths for the unity of the fatherland gradually became clouded by revolutionary phrases. Such talk involved little danger to civil order, but the uprightness of the rising generation was imperilled when young people began to indulge freely in arrogant threats and to forget that words have a meaning.

The undisciplined roughness of the gymnasts was from the first extremely repulsive to the strict militarist sentiments of the king. Hardenberg on the other hand, always grateful and kind-hearted, did not forget the services Jahn had rendered during the period of secret preparations for war, and treated his whimsies with much consideration. But the chancellor felt obliged to administer a friendly admonition when a man who was having his daughters taught French complained of Jahn's invectives. The repetition of the public lectures was prohibited, but for the rest the Turnvater was left undisturbed, and his work was subsidised by the national treasury. Even Altenstein

frankly recognised the value of gymnastic training and busied himself with a plan for its introduction into the schools. Both these statesmen were prepared to make provision for Jahn in some such position as that of head of a farming school, but they considered him unfitted for the post he coveted, lecturer on the German tongue at one of the universities.[1]

The first serious onslaught upon the gymnastic cult came from literary circles. Primarily in Breslau and subsequently in many other towns gymnastic grounds had been instituted after the Berlin model. Jahn's book upon the German gymnastic art, which he published in conjunction with his pupil Eiselen, was employed everywhere as a manual of instruction. In 1817 Steffens issued a warning against the debasing influence of "Turnerei," first of all in *The present Day and its Development*, and subsequently in *Caricatures of the Most Holy* and other writings. There now ensued the great gymnastic controversy of Breslau, one of those struggles that are literary rather than political, in which the patriotic passion of this epoch of transition was accustomed to find vent. Steffens' criticism of the gymnasts' vagaries was unduly harsh; so sensitive was his spirit that he failed to recognise how rarely a genuine Teuton attains virile energy without a full measure of youthful roughness; moreover, he lacked the sense of humour which was essential for the detection of the sound kernel underlying Jahn's extravagances. But he accurately recognised the grave moral defect of the gymnastic grounds, the hopeless arrogance of the younger generation, nor could anyone deny the honourable aims of the ardent orator who in the spring of 1813 had stimulated the youth of Breslau by precept and example. There were excellent men on both sides in this controversy, and friends and brothers quarrelled about the matter. Carl von Raumer dissented from Steffens, his brother-in-law and companion-at-arms; Carl's brother Friedrich and his colleague Carl Adolf Menzel the historian joined Steffens in the attack. Among those who rallied to the defence of the gymnastic grounds, Harnisch the educationist and Passow the lexicographer were conspicuous. The latter's outspoken and passionate work on the aims of the gymnasts declared that these were "the promotion of a gradual advance to the highest goal of humanity." Such a purpose was nobler than to aim at developing

[1] Hardenberg to Altenstein, December 8, 1817. Altenstein's Reply, January 19, 1818.

" mercenaries and hirelings for the bloody uses of arbitrary power." When their elders discoursed with such profound earnestness about the civilising influence of the horizontal bar and the parallel bars, the younger men could no longer doubt that they themselves were the world's axis.

Timid folk in Berlin who had long scented secret demagogic purposes behind the gymnastic cult were encouraged by Steffens' intervention to additional attacks on their own account. Among these were Wadzeck, the senior master, a man who had done excellent service in the field of poor relief; Scheerer, the author; and the notorious Cölln, the evil repute of whose lampoon *The Firebrands* had persisted since the days of the peace of Tilsit. The offensive tone of such denunciations poisoned yet further the undisciplined sentiments of the young men. Jahn stormed against the " viper's brood " of his opponents. His pupils chanted rude songs of defiance, and gave the nickname " Wadzecks " to the wooden figures at which, upon the Hasenheide, they threw wooden javelins. More and more did a morbid and utterly aimless political excitement come to prevail upon the gymnastic grounds. Altenstein noted this development with much concern. He knew that the king's anger was daily increasing, and wrote to the chancellor to express his anxiety, saying: " If gymnastics are so grossly misused, we shall have to abandon the hope of greater things, such as the constitution."[1] He retained his friendly attitude as long as possible, and no legal measures were instituted against the gymnastic grounds until the vociferous activities of the university students had provoked the unchaining of reaction.

§ 2. THURINGIA. WEIMAR AND JENA.

Berlin was the birthplace of the gymnastic cult, but the cradle of the Burschenschaft was Thuringia. Where, indeed, could this romantic association of students have pursued its dream-life with such confidence and self-satisfaction, so utterly unconcerned about the hard facts of reality, as amid the easy-going anarchy of a patriarchal little community which had never made acquaintance with the serious aspects of national life? Among all the adverse influences which impeded the

[1] Jahn to Schuckmann, September, 1817. Altenstein to Hardenberg, September 15, 1818.

advance of our people towards national greatness, perhaps the most important was the utter absence of political history in this central region of Germany. At one time or another in their history, almost all the other German stocks had taken some interest in the aims of political power; the Thuringians, never. German civilisation owes them inexpressible gratitude; the German state, nothing. Even in the most remote times they were unable to maintain a tribal duchy. At a later date, under the rule of the landgraves, Thuringia first acquired a brilliant position in the spiritual life of the nation, not through the abundance of its own talents, but through a tolerant and sympathetic hospitality which was well suited to the central position of the country. Frau Aventiure held her brilliant court at Wartburg, and the knightly singers of all regions of the empire wooed the favour of Hermann the Mild in euphonious rhymes. But the song-loving land took small part in the great struggles of the days of the Hohenstaufen. Later, too, when the Wettins rose to power, Thuringia ever remained a minor dependency; the lozenge-crown of Saxony took the place of the old lion of the landgraves. The political centre of gravity of Wettin rule was in the mark of Meissen, in Kurkreis, and in Osterland; nor was it long before the flourishing mid-German state was destroyed by that momentous partition which resulted from the fratricidal struggles of the Ernestines and the Albertines.

A glorious day of spiritual renown dawned once more on the Thuringian mountains when the greatest of Thuringians began his struggle for the gospel under the protection of his pious prince, and when the acropolis of knightly minnesong became the birthplace of the German bible. Yet even this teeming time proved decisive for the political destruction of the country. Few turns of destiny in German history are so tragic as the disastrous collapse of the power of the Ernestines; none other of our princely houses has had to atone so painfully for failing to seize splendid opportunities, none other has learned so bitterly the ancient truth that the political world belongs to those of bold resolve. Upon the death of Emperor Maximilian, Elector Frederick the Wise was the chief of our princely estate, the leader of the reform party in the Empire, and it lay within his power to provide the nation with a German, a Protestant emperordom; but he refused the crown, saying: "The crows desire a vulture." To both his successors fortune

again offered rare favours, and again were great opportunities renounced. At every Reichstag the people looked expectantly towards the peacock-plumed helmets of the Ernestines. On the occasion of the protest of Spires, and on that of the presentation of the Augsburg confession, wherever there was occasion to give testimony on behalf of God's word, they stood, indeed, in the foreground, justifying their motto, "Straight ahead makes a good runner." It was in their country that the first Evangelical national church came into existence, and their name is inseparably associated with all the great memories of Protestantism. But their talents did not transcend the passive virtues of steadfastness and fidelity. The sole resolve which could bring salvation, the determination to fight openly against the Spanish foreign dominion, was continually postponed from conscientious caution and slothful dread of action, until at length the unprecedented political incapacity of the phlegmatic procrastinator John Frederick was lamentably overpowered by the superior statecraft of the Hapsburgs and of his own Albertine cousins.

Barely a generation after the elector Frederick's pusillanimous renunciation, his grandsons had personal experience of the sharp talons of the Spanish vulture; the electoral hat and the old tribal lands of the Wettins were lost to the Albertines, and as the issue of the Schmalkaldian war the predominant power among the German Protestants secured, not the hero's laurel, but the martyr's crown. It was indeed a pitiable spectacle, the way in which the once glorious but humiliated dynasty, after a weakly attempt to regain its position, flaccidly accepted its new and humiliating situation. Devoid of all political ideas, utterly immersed in petty-bourgeois domestic concerns, the house divided and subdivided the remnants of its old dominion until it sank at length to the lowest ranks of the German estate of princes. The collateral branches of the Albertines in Thuringia were afflicted with the same mania. New lines were continually founded, only to disappear; the Thuringian lands repeatedly changed hands; within one and a half centuries the lordship of Römhild passed to five families in succession; in Ruhla, a brook running down the village street was the boundary line between the territory of Weimar and that of Gotha, while a Jena student in a short afternoon walk could readily embroil himself with the police of three or four different lords paramount.

Thus it was that, next to Swabia, Thuringia became the favourite home of German particularism. When at length a modern conception of the state awakened even in these petty dominions, when Ernest Augustus of Weimar introduced the primogeniture ordinance, when his Ernestine cousins gradually followed this good example, and Meiningen finally took the same course in the year 1801, the work of subdivision had already been completed, and the particularism of this region proved hardier than that of the south-west, because in Thuringia it existed exclusively in the form of temporal principalities. At the conclusion of peace the 700,000 inhabitants of the principalities of Thuringia (leaving the Prussian and Hessian territories out of consideration) were under the rule of five Saxon houses, two Schwarzburg lines, and three families of Reuss, only two of the last-named unfortunately being recognised by the federal act. These nine or ten states were sovereign powers, each completely independent of the others. Their only common institutions were the university, supported by the five serene Saxon Nutritors (princely patrons), and the new supreme court of appeal of Jena. Among the people, from time to time, there was diffused some conception of the pitiableness of these conditions. In the neighbourhood of Roth, five miles from Hildburghausen, the song was current:

Hildburghauser sway
To Roth makes way,
But there veers round
And goes back by rebound.

Yet, on the whole, people were happy in these distressing narrows where princely favour and nepotism smoothed the path of life so comfortably for every tolerably useful man; the domestic virtues of the devout Ernestine princes were more akin to the populace than was the elemental figure of Bernard of Weimar, who with the clash of his sword at one time disturbed the monotonous idyll of this provincial history. On no occasion not even during the febrile excitements of the year 1848, did the Thuringians seriously contemplate the mediatisation of their petty lords.

In Thuringia, as throughout Central Germany, there was assembled within a narrow space an extraordinary variety of manners and customs. The solitary Rennsteig road, on the crest of the Thuringian forest, once the boundary between

the Thuringians and the Franconians, constitutes to this day a sharp line of tribal demarcation. To the south of this line we have the purely South German people of the Coburg region, speaking the Henneberg dialect which is strongly Franconian in character; to the north lies Thuringia proper between the Saale and Werra rivers, and to the eastward of the Saale a different population again, intermingled with Slav elements. Even in the new dynastic subdivisions, originating so recently and in so haphazard a fashion, there soon came to prevail a tenacious particularism, harmless and philistine in character, but strong enough to render any change difficult. All good Meiningers rejoiced when their quarrelsome duke, Antony Ulrich, desiring to deprive his cousins in Weimar and Gotha of the hoped-for succession, concluded a second marriage when over sixty years of age, and from sheer perversity procreated eight children. Gotha and Altenburg, long united under a single ducal coronet, maintained themselves inviolably as two independent states, refusing even to recognise one another's coinage; and only to the energy of will of Charles Augustus did it prove possible, after severe struggles, to unite the three principalities of Weimar, Jena, and Eisenach, to constitute a single state. The natural capital of the country, Erfurt, had under the rule of the Mainz crozier always maintained a separate position amid its Protestant environment; and subsequently, after the destruction of its university, it continued to lead the quiet existence of a fortress and official town.

Thus the political and intellectual life of Thuringia rippled on its way dispersed in narrow runnels. Among the larger towns there was hardly one which had not been for a time distinguished as the seat of a princely house, but not one of them had risen above the pettiness of a servile parochialism. Everywhere there existed the germs of a more abundant intellectual activity, little collections and institutions of communal activity, seven public libraries in close proximity, but nowhere a great whole. The country was more thickly set with castles, parks, and game-preserves than any other region in Germany. Many of these princely seats were endeared to the people by significant memories, as for instance the Wartburg: Friedenstein, whose possession had been so fiercely contested; Altenburg, the scene of the abduction of the princes; the fortress of Coburg where Luther had found refuge; and the Fröhliche Wiederkunft (Joyful Return) where John Frederick recruited

his energies in the chase, after the anxieties of his captivity at the hands of the Spaniard. Many of the others, however, bore witness only to the ridiculous crotchets of an idle estate of princes, men who had nothing to do with their time and their energies. Here one of the Günthers of Schwarzburg had for a joke built his wife the hunting lodge *der Possen* ("of the Pranks") in the forest hills of Hainleite; there Christian von Weissenfels, desiring to eternalise his Cæsarian greatness, had his portrait carved three times in gigantic relief on the red cliffs of the vineyards in the Unstrut valley, surrounded by Father Noah and grape-gatherers, and further had a gilded equestrian statue of himself erected in the Freiburg market-place.

Servile pens described the charming land as God's garden cared for by the hands of princes, but in reality the diligent attentions of these minor sovereigns remained altogether unfruitful until far on into the eighteenth century. Minds underwent petrifaction under the long-enduring regime of rigid Lutheranism. Isolated princes, like Ernest the Pious of Gotha, might understand how to awaken a vigorous religious life: but to the majority of these rulers theology was nothing more than an unspiritual pastime; happy was the court which could number among its princes a "serene eight-year old preacher" like William Ernest of Weimar. Subsequently, with the growth of secular culture, many of the sins of courtly absolutism made their way into the country. Gross immorality was not known among the good Ernestines, but the game of playing at soldiers and the sale of men flourished luxuriantly, whilst in this microcosm the all-knowing governmental zeal of the new princely despotism frequently increased to the point of mania. As late as in the Frederician epoch Ernest Augustus of Weimar invented the renowned fire-plates inscribed with cabalistic signs; when thrown into the flames these were supposed to extinguish the fire instantly, and all the communes were forced to make adequate provision of the appliances.

It was by Charles Augustus that a freer current was first re-established in Thuringian life. For the third time Central Germany became the focus of our national civilisation. Once more as in the days of Hermann the Mild a magnanimous spirit of hospitality summoned the heroes of German poesy from the north and from the south, and more glorious than the old renown of the Wartburg was now the fame of the little town on the Ilm:

O Weimar, predestined a singular fate,
Like Bethlehem art thou at once small and great !

It was indeed, as Goethe assured his princely friend, " profitable to play the host to genius." For although the great towns of Thuringia belonged to the nation at large, and never became completely at home in their pigmy environment, they returned the hospitable gift of genius to the land which had given them so cordial a reception. In the brief blossoming time of the university of Jena there grew up a new generation of efficient teachers and officials. Most of the minor courts and a great part of the nobility endeavoured, as far as their powers permitted, to keep step with the new literature. How often did Goethe drive over to see Minister Frankenberg of Gotha in order to enjoy himself in talented society in the Gute Schmiede at Siebeleben. At the time of the congress of Vienna, Döring, Rost, and Wüstemann were teaching at the Gotha *Gymnasium* (state classical school) ; Stieler was beginning his cartographical labours ; and shortly afterwards Perthes opened his extensive bookselling business in the town. Moreover, the activities of the great humanist prince (as Humboldt termed him) permanently increased the prestige of the Ernestine house throughout the world ; the famous but half-forgotten dynasty reacquired the gratitude and affection of the nation, atoning most nobly for the still painfully remembered blows of the Schmalkaldian war.

It was however impossible for literary renown to cure the ineradicable defects of particularism. The storms of the Napoleonic wars passed over the feudal constitutions of these little territories without leaving a trace. Even Duke Augustus of Gotha, inveterate Bonapartist as he was, did not venture to interfere with the gentry and the nobility. The nobles were sharply differentiated from the bourgeoisie by caste pride and by manifold privileges, although distinguished neither by great wealth nor by historic renown. In the Gotha Landtag the two burgomasters played a poor part beside the proud curia of counts, consisting of the single representative of the house of Hohenlohe and the numerous forces of the gentry : whoever possessed any share of land held on knight's service was a member of the Landtag, so that on one occasion two and twenty Wangenheims put in a simultaneous appearance. The proverbially deplorable condition of the Thuringian military

system likewise persisted unchanged. People still loved to recount anecdotes of the "Wasungen War"; how in Wasungen (the Thuringian Abdera) the soldiers of Gotha and those of Meiningen had fought with one another, and how both the armies had withdrawn from the important place animated rather by discretion than by valour. But even in the serious wars of recent years the utter ineffectiveness of particularism had resulted in similar tragicomedies. During the Seven Years' War, the duke of Gotha, in return for English subsidies, sent some battalions to join the army of Ferdinand of Brunswick, whilst his imperial contingent fought against Prussia; in the year 1813 part of the Weimar troops were with York's corps whilst other detachments were under the banner of Napoleon. At length some degree of order was introduced into the confusion of these slender contingents by an arbitrary decree of the Imperator; irreverently disregarding the distinction between the Rudolstadt and the Sondershausen national character, he compacted several of the smallest into an anonymous "Bataillon des Princes." After the war, to the popular satisfaction, most of the troops were disbanded. Prussia would provide for the protection of the country. The peace-loving Thuringians preferred to regale themselves upon the glorious sight of the cavalry guards of Gotha, swaggering about with huge broadswords, jack-boots, and jingling spurs. The guardsmen were rough manual workers who for a moderate daily wage engaged in the trade of arms in rotation; when the guard was changed the new men donned the uniforms of those whom they relieved—horses were completely unknown to these "cavalrymen." As a superfluous precaution, Gotha boasted a fortress on the summit of one of the Drei Gleichen. The four cannon of the Wachsenburg threateningly commanded the two other Gleichen, which the new sovereign, the king of Prussia, carelessly left unfortified.

The scanty resources of the region were nowhere sufficient for the promotion of means of intercourse, for the yield of the rich princely domains was mainly devoted to the upkeep of the courts. Everyone made fun of the horrible state of the Gotha high roads, and no one more heartily than the Prussian customs-officials at Langensalza, for the freight wagons invariably stuck fast or overturned in the celebrated Henningsleben hole just before the Prussian customs-barrier, so that dues could be collected at leisure. On the Leipzig-Frankfort road the Weimar

escort inexorably collected the fees payable for this service, although from immemorial days the wagoners had no longer been accompanied by armed troopers. The peasants, heavily burdened with seigneurial dues, continued to practise agriculture after the manner of their remote ancestors; it was only the men of Erfurt, the gardeners of the Holy Empire, who maintained their ancient renown as skilled floriculturists. Everywhere the communal herdsmen continued to drive all the village live-stock, horses, beeves, goats, and geese, in a confused medley, to the undivided common. Industry was carried on exclusively to satisfy the modest needs of the neighbourhood; hardly anything beyond the Apolda stockings and the Sonneberg wares, the little toys produced by the home industry of the forest villagers, made their way into the world-market. The inhabitants conducted their modest labours in a spirit of harmless merriment, as fond themselves of singing as were the singing birds invariably to be found in every cottage of this forest region, happy if from time to time they could recreate themselves at the dancing place, drinking light beer or sour Naumburg wine. The gentle rationalism which prevailed in the cultured towns, and of which the Gotha superintendent Bretschneider was an able spokesman, had little affected the simple religious sentiments of the people; St. Boniface, the apostle of Thuringia, was still venerated; the picture of Luther with the swan hung in innumerable churches; some of the remoter forest communes still preserved the ceremonious Old Lutheran liturgy with its choir boys and white surplices.

Kindliness, above all, was demanded of the princes. How greatly honoured did everyone feel when the duke of Meiningen, on the occasion of his heir's baptism, invited the whole country to stand sponsor, and gave the child the auspicious names of Bernard Eric Freund. When this prince had grown up to become an excellent petty sovereign it was his custom on his wife's birthday to hold a popular festival in the charming garden of Altenstein, and every man among the guests could invite the duchess to dance with him. The obverse of this picture was a humiliating endurance of the follies of particularism. In the year 1822 the last valid representative of the house of Gotha-Altenburg died, and his cousins were already preparing for a new partition. But Lindenau, the minister of state, suddenly brought forward the unquestionably idiotic Prince Frederick and had him installed as duke, although during

the ceremony it was difficult for the poor invalid to sit quiet on the throne. In this way the existence of the Gotha-Altenburg realm was prolonged for four years while the men of Gotha delighted in their idiot sovereign and still more in the vexation of the disappointed neighbour courts.

The simple-minded people were nowise repelled by the ludicrous megalomania of their amiable dynasts. In the Gotha coat-of-arms were flaunted the escutcheons of three and twenty dukedoms, princedoms, and counties. The Schwarzburgers had displayed the double eagle since the days of the anti-emperor Günther, and even the notices in the beautiful game-preserve of the Schwarza valley were printed in blue letters on a white ground, to prevent the subjects forgetting their country's colours. Just as here everything was blue-and-white, so in the territories of the Reuss princes everything was black-red-and-yellow. This little race of the sovereign rulers of Vogtland (*Terra Advocatorum*) had also at one time stood upon the heights of history, in the days when the two powerful Heinrichs von Plauen, the heroes of the Teutonic Order, waged desperate warfare against the Poles; but in the long succeeding ages its existence had rarely been noticeable in the world. All these insignificant dynasties, in the full enjoyment of their new sovereignty, arrogated to themselves equality with any king upon earth, but in reality they held an extremely modest position among the German princes. When one of them ventured to raise his eyes to the daughter of a more distinguished race, he begged of Frederick William the order of the Red Eagle "to enable me to produce a more favourable impression at the grand-ducal court"; subsequently he undertook a boldly planned diplomatic campaign through the intermediation of General Lestocq, the common representative of the Thuringians in Berlin; but although the envoy did his best, his young sovereign secured the order alone, and not the coveted alliance.[1]

It was a strange caprice of destiny that Charles Augustus should be cast into this lilliputian world, where history was reduced to the level of anecdote. How stormily had his nature risen in revolt when in early youth he succeeded to the supreme power; immediately summoning Goethe and Herder; expelling French forms from the life of his court; intervening with Frederician zeal to improve the administration of justice, the

[1] Frankenberg's Reports, Berlin, November 13, 1827, and subsequent dates.

educational system, and agriculture; bringing to fruition all the germs of a freer culture which his distinguished mother, Anna Amelia, had implanted during her long regency; and yet withal failing to find peace of mind. The people regarded with astonishment the talented arrogance of the Weimar court of the muses; and the slanderous tongues of the German Parnassus, of those who envied their great comrades so warm a nest, could never tell enough stories of the fickle moods of the young duke. Now, they related, he would pass his nights in wild orgies or brilliant masked balls; now would sit in front of the wings of the Gartentheater on the Ettersburg listening attentively to his friend's dramas; now would ride madly across country, or flirt with peasant wenches at a village fair, and would then bury himself for days in succession in the log-hut in his park, alone with the unappeasable yearnings of his heart. At this time, the urge to all these restless activities was not merely the natural impatience of youth, but also the unsatisfied ambition of a vigorous man, to whom the worst that could befall seemed comparatively trifling, but to whom the fiction of princely dignity without power was a bitter experience—

> For what Heaven had granted by favour of birth,
> He hoped to acquire by labour on earth.

Yet "with the help of Goethe and good fortune" he ultimately learned to adapt himself to his narrow destiny, and to display the highest energy upon this restricted stage.

For forty years the nation had honoured him as the greatest of those who played the part of Mæcenas in the new generation That calculated cunning of mercantile dynastic policy which bulked so largely in Lorenzo de' Medici's love of the arts, was far from the mind of this heir of the proud and ancient Ernestine house. When, with a sure knowledge of men, he collected round his person the best and the greatest from among the talented figures of German literature, he was instigated by the pure idealism of an unceasingly receptive mind, which with a happy understanding embraced the entire domain of human thoughts and actions, and was influenced also by ardent enthusiasm for national glory. It was his ambition, as he once expressed it in old age, "to promote the diffusion of light and truth as widely as possible and in a manner to do justice to the earnestness of the German national character." His

feeling for nature, cultivated by study, led him to prize in art that only which was ingenuous, simple, and German; he detested all mysticism, all elaborate artifice, even when it assumed a beautiful vesture, as in Schiller's *Bride of Messina*. But he never had the hardihood to impose leading-strings upon genius; German art was to find its own path, free from all restrictions. Such too was his personal rule of life, to make his way straight ahead, firm and vigorous in all things, even in the aberrations of uncontrolled sensuality, a restlessly striving spirit, grandly forgetting every unsuccessful attempt in the immediate advance upon a new quest. None but a man of thoroughly original character could have kept Goethe by his side living in care-free independence for fifty years. Despite occasional moments of estrangement, he well knew what he owed to his friend, and regarded him with unshaken admiration; but he expressed a feeling that it was "ridiculous to see how this man stands more and more upon his dignity," and he would not allow the formal circumstantiality of the aging poet to disturb his own cheerful lack of restraint. At the first glance, the sturdy man might well have been mistaken for a simple huntsman, striding through the park with his dogs at heel, cigar in mouth, wearing an old green hunting jacket and a soldier's cap; but his high forehead, large eyes, and formidable Ernestine jaw, gave him a peculiar expression of confident greatness, and whoever came into close proximity soon realised that here was a born prince, one who maintained himself by his own energy upon the summits of human life. When as an old man he stayed for a time in Milan, he recalled to the minds of the Italians the figures of their own great princes of renaissance days and they spoke of him as *il principe uomo*.

More faithful to his duty, however, than the Viscontis and the Sforzas, he knew how to combine delight in the beautiful with the quiet industry of the careful sovereign. No administrative detail was beneath his attention, and never did his little land have to suffer for the artistic tastes of the court. His peculiar title to historic greatness rests upon his clear recognition of the dominant tendency of two epochs, the literary idealism of the eighteenth century and the political idealism of the nineteenth, and upon his capacity, alone among his contemporaries, to do full justice to both. Political understanding was awakened in his mind in early youth by his tutors,

first of all by Count Görtz, the zealous diplomatic assistant of Frederick the Great, and subsequently by Wieland, the only one among our classicists who followed the daily changes of political life with alert participation. With the same fortunate accuracy of judgment which enabled him to recognise the genuine heroes of German art, in politics also the duke applied himself to the true and the vital. When drawing up his bold plan for the league of princes, he centred all his hopes in Prussia; in the year 1806 he desired to stand or fall with Prussia. During the retreat after the battle of Jena, sitting on a drum by the camp fire, he said calmly to his comrades: "We have for a time been duke of Weimar and Eisenach." It was only upon the king's express desire that he left the army and made his peace with the Imperator. Afterwards he was quietly at work for years preparing for the War of Liberation.

Having again fulfilled his warrior's duty in the Netherland theatre of war, and having later returned home profoundly disheartened by the disillusionments of the Vienna congress, it seemed to him that the carrying into effect of article 13 was jointly dictated by honour and prudence. It was not that he cherished any preference for the new liberal theories. He had absolutely no enthusiasm for the French Revolution, since the immorality of these class wars was repulsive to his healthy sentiment. "The oppressors," he said, "oppress those by whom they themselves were formerly oppressed, and herein is to be found not even a hint of moral action." But he understood his own age; he knew that constitutional forms were essential to it; what could he, who had never known fear, see to alarm him in a small Landtag? He hoped, perchance, that his example might enhearten some of the more timid among the minor princes to screw their courage to the sticking point; but nothing was further from his clear intelligence than the exaggerated self-conceit of particularism. His quiet pride had not been fanned into vanity even by the homage of the foremost poets of the day; was it likely that he should now be led astray by the fulsome praise of the liberal newspapers, which extolled Weimar as the cradle at once of German art and German freedom? Upright and straightforward, it was from a sense of duty and in honourable confidence that he conceded to his people what he regarded as inevitable.

He had summoned to his ministry quite a number of

efficient men, almost an overplus of talent for a little state. Beside Goethe's chair, which had now for years stood empty, sat the poet's friend, old Voigt, a high-minded man of refined culture who, like Goethe, had long regarded the foreign dominion as an inevitable necessity, but who now, happier than his friend, greeted the new liberty with joy. There was Fritsch, the third of the long series of able men of affairs which this Leipzig family of lawyers sent to the service of the Saxon house; he too was something of a poet, and in good repute in the literary world. There also was the recently summoned German-Russian man of talent, Count Edling. Finally there was the ablest political intelligence among them all, Gersdorff the Lusatian, who at the Vienna congress had always been at Humboldt's side, then already advocating the idea of Prussian hegemony, and subsequently during a long political career never for an instant false to the belief that "Prussia has given new birth to German nationality and is the foundation stone of a future Germany." Upon Gersdorff's advice, the grand duke resolved to set about the work of inaugurating the constitution.

In April, 1816, the old estates combined with certain representatives from the newly acquired regions of the country to constitute a Landtag. On May 5th the new fundamental law, drafted by Schweitzer, professor at Jena, was signed, and in a cordially grateful speech the president of the Landtag extolled the finest virtue of the German estate of minor princes, saying: "We have ever found this distinguished house animated by the princely disposition which wishes well to all, and to which even the most lowly is of value." The liberal press rejoiced, breaking out into contented self-praise; if the princely friend of Schiller and of Goethe displayed himself a pioneer in the advance towards constitutional freedom, it was as clear as noonday that none but those of uncultivated nature could withstand the saving truths of constitutionalism. A year later the first constitutional Landtag of German history sat in one of the three castles of Dornburg which looked down from steep cliffs, across vineyard-slopes, and terraced gardens, into the picturesque valley of the Saale. In this rural peace, where Goethe had so often sought the happiness of poetic solitude, the first parliamentary idyll of particularism ran its smooth career. With happy judgment the grand duke had steered a middle course between the ancient feudal system and the new representative methods, conceding special representatives to the

gentry, the towns, and the rural communes; but the thirty-one members combined to form a single assembly, and were considered to represent the country as a whole. The proceedings were by no means free from difficulty; step by step the government had to contend with the officiousness and the naive inexperience of the popular representatives. At length, however, an understanding was secured, and since all the proceedings were private the newspapers were enabled unashamedly to regale their readers with wonderful tales of the incredible political sagacity of this exemplary little people, where for every fifteen hundred grown men there was to be found a representative well furnished with statesmanlike culture. Numerous useful reforms, which would have been impossible in the absence of the Landtag, were now secured. In 1821, for instance, nine and forty wonderful old taxes were replaced by an income tax with a compulsory declaration of income, an unheard-of innovation for Germany. Many other valuable proposals failed, indeed, to come to fruition, because the narrow-minded timidity of the representatives rendered them incapable of following the liberal ideas of their prince; and Charles Augustus was absolutely unable to secure publicity for the proceedings of the Landtag. Yet on the whole the country was well satisfied, and in 1818 Hildburghausen was granted a constitution upon the Weimar model.

Goethe alone regarded the new institutions with tacit disfavour, and could see therein nothing more than the activities of unauthorised busybodies—detestation of all dilettantism was ingrained in the master's nature. When, on one occasion, he could not avoid proposing a toast at the Landtag festival he gave the representatives of the people a patriarchal reminder of their family duties:

> Let everyone be master in his own household,
> Thus will our prince also be master in his own land.

When the Landtag asked him to furnish accounts of the eleven thousand thalers which from year to year for a generation past he had disbursed on behalf of art and science, the old man resolved to give them a lesson. He dictated to his secretary three words, "income," "expenditure," "balance," added three figures, majestically signed his name, and sent this account to the Landtag. Great was the wrath. On quiet reflection,

however, even to the worthy representatives of Neustadt, Kaltennordheim, and Gerstungen, a detailed examination of Goethe's purchases of antiques and books seemed a somewhat unsuitable undertaking, and they therefore made up their minds to an act of constitutional self-denial which stands in glorious isolation in the pedantic history of German parliamentary life. The letter of the constitution was sacrificed, and the account of the thirty years' stewardship was passed without discussion.

Under the ægis of the new freedom of the press there now suddenly sprang to life in Weimar a great number of political newspapers. Irresponsible journalism, of a kind that could arise only among this cultured people, yet a power, for with it began the momentous invasion of the professors into German politics. Luden had founded his *Nemesis* while the war was still in progress, in the first instance in order to fight against the foreign dominion, and he now added an *Allgemeines Staatsverfassungsarchiv;* next came Oken's *Isis* and the *Oppositionsblatt* of Weimar; next Bran undertook a continuation of the old *Archenholtzische Minerva;* Martin, a lawyer who had been expelled from Heildelberg, brought the *Neue Rheinische Merkur* with him to Jena; Ludwig Wieland, the son of the poet, an able writer, published a newspaper, at first known as the *Volksfreund,* which soon, to appease the terrors of the police, dropped this dangerous name and appeared as the *Patriot.* This excess of journalistic activities was pursued in two small towns, in a purely literary atmosphere, where there was absolutely nothing to recall the serious aspects of political life, where the press could neither secure trustworthy information regarding the internal interconnection of the events of the day, nor yet find any firm standing-ground in either a political party or some definite economic interest. In contented ignorance of the world of realities, pure doctrinairism could delight in its own "conviction," and could with an air of infallibility deliver its professorial monologues. All these journals claimed to serve the nation at large as teachers, for it was the pride of the professors that the practical unity of the German nation was displayed in the universities alone. Since the voice of freedom which sounded on the Ilm and on the Saale now roused the suspicion of the courts, since, as Luden phrased it, the entire party of reaction directed its anxious gaze towards the heights of lovely Thuringia, the self-conceit of the academic

journalists speedily underwent a notable increase, and they believed in all seriousness that their German Athens was the very centre of the political life of the nation. In these political writings there was no trace of the characteristic laboriousness of German learning. In science, all amateurish work was despised, but anyone could sit in judgment upon statesmen if he occasionally read the newspapers in his spare time.

Luden's *Nemesis* was greatly inferior to the *Kieler Blätter*, despite its much wider circulation. While Dahlmann's journal provided its readers with genuine instruction in matters of fact, such as this unripe generation above all required, giving thorough expositions of historical and constitutional questions, Luden confined himself to empty generalities or superficial critical observations concerning the petty happenings of the day. Although Luden was not himself numbered among the adherents of Rotteck's law of reason, but endeavoured to understand the state from a historical outlook, nevertheless the entire wisdom of the *Nemesis* continually circled around article 13 of the federal act, which was regarded as the sole means for averting revolution from Germany, saying: "If you will only keep your sacred word, O princes, if you will merely exercise the very ordinary virtue of fidelity!" For years past Luden had been the favourite teacher in Jena. His lectures on German history were, as had formerly been those of Fichte and Schelling, the meeting-place for the mass of the students. The amiable idealism displayed by his whole nature, the patriotic warmth and the ease of his delivery, secured for him a prestige among the university youth which remained unchallenged for forty years. Those who judged the well-meaning man solely from his books found it difficult to understand his brilliant success as a lecturer. His historical writings were poor in new ideas and even more lacking in evidence of independent investigation; while of the arduous mental toil which political science demands of its disciples he had so little idea that when no more than thirty-one years of age (in 1811) he ventured with much self-satisfaction to publish a *Handbook of Politics* stuffed with harmless commonplaces.

How differently from the dull and decorous *Nemesis* did the *Isis* set to work, the *Isis*, unquestionably the most remarkable political journal of our history, an incomparable specimen of learned folly. Though responsible for numerous extravagances, Oken had acquired a well-deserved reputation as a natural

philosopher, but he brought to the political arena no better equipment than a genuine patriotic enthusiasm, a few vague democratic ideas, indefatigable pugnacity, and the childlike illusion that a free press could heal all those wounds which it had itself caused. "History," he exclaimed in his preliminary announcement, "makes its way like a terrible giant across streams and rocks, across *loco sigilli* and artificial barriers, laughing at all devices to capture spirit and sense and to overthrow them when captured. All things are good and everything is permissible." His readers were to learn the sense and the nonsense of the time, its dignity and its meanness. He did not disdain even roughness, mendacity, and calumny, commanding in advance those whom he attacked to confine themselves solely to literary weapons for their revenge. The unceremonious appeal readily found hearers. All the hotheads of the learned world made assignations upon the great arena of this "encyclopædic journal." Beside zoological pictures and discussions (the only valuable matter which the newspaper contained), were to be found all kinds of university scandal and literary polemic; even a rancorous article from the *Edinburgh Review* attacking Goethe's *Dichtung und Wahrheit* was reprinted with unconcealed pleasure; there were also political essays, and numerous statements of grievances and complaints of alleged arbitrary acts on the part of the authorities. All this was in the tone of the tap-room, in "Oken's manner" as people soon began to phrase it—impudent, tasteless, and full of mockery, so that almost every fresh number of the *Isis* aroused new quarrels. Since the rich stock of German superlatives proved inadequate, Oken called in the art of the wood-engraver to his aid, having pictures of men with asses' heads, of geese, of cannibals, of Hebraic and clerical visages, or it might be a knout, a cudgel, or a foot raised to stamp on something, printed beside the names of his opponents, the result being that the political text had at times as motley an appearance as that of the adjoining copperplate portion with pictures of jelly-fish and cartilaginous fishes. The political essays exhibited a fantastic radicalism simultaneously with an ingenuous professorial arrogance. The Weimar constitution did not deserve the name of constitution, because, of the three and twenty indispensable fundamental rights of every true charter, it granted one only, the freedom of the press—and because it gave such unjust advantages to the stupid burghers and the

peasants as compared with the gentry and the professors! Amid this incredible uproar, there was not to be found a single article instructing the readers of the journal, or directing their wills towards any definite aim. Nothing but fanatical complaints against princes and diplomats; nothing but scorn for the hopeless lethargy of the existing generation, and the declaration, "only from the young is anything to be expected."

Lindner from Courland was the ablest journalist in this circle; he conducted the *Oppositionsblatt* with conspicuous skill, and pursued politics as a serious vocation. But it was in his articles above all that was most plainly manifested the political folly which was henceforward to drive German liberalism from one mistake to another—base ingratitude towards Prussia. Partisan historians often declare that calumniation of Prussia did not become general in the liberal camp until after the persecution of the demagogues, but this assertion is untrue. Immediately after the peace, when the sword of Belle Alliance had hardly been sheathed, these pigmies began to level their accusations at the state to which they owed their liberties, to which they owed everything, overwhelming it with reproaches at the very moment in which by its military law and its customs-law it was laying the firm foundation of national unity.

In his *Handbook of Politics*, Luden had invariably referred to Prussia as an awful example, and had passed judgment upon the militarist state with the well-known conceit of freedom characteristic of the English Hanoverians. Now his *Nemesis* published poems in honour of the house of Wittelsbach, and articles defending the Saxon policy of 1813, but for Prussia the paper displayed nothing but blame and a vainglorious contempt which anywhere else in the world would have aroused general ridicule. The muses of Mark, it was proudly asserted, have never been able to compare with the muses of Thuringia; now we shall see whether Prussian statesmanship can rival that of Thuringia! Benzenberg, the good liberal, was pilloried as the obscurantist among German publicists, for it was unpardonable that he should be a loyal Prussian and that he should write with knowledge about the laws of this state towards which the Jena professor never vouchsafed a glance. Oken, too, a Hither Austrian from Ortenau, regarded contempt for Prussia as the surest index of a liberal mind. While he manifested extreme veneration for Emperor Francis, and actually praised Count Buol's absurd speech at Frankfort

upon the occasion of the opening of the Bundestag, with malicious gratification he threw open the columns of the *Isis* to all the foes of Prussia. One day a Rhinelander would begin a maudlin "Lament from the Rhine" on account of the number of Protestants among the Prussian authorities of the province, saying: "The only aim is to injure the country, to humiliate it." The next, a good Swede from Greifswald would deplore the Prussianisation of his Pomeranian fatherland. Then would come complaints from certain medical practitioners in the province of Saxony that their professional honour as men of learning was brutally insulted because now, just as if they had been apothecaries or even common manual workers, they were forced to pay the Prussian trade licence. Not even Napoleon had done anything so atrocious as had Prussia in suppressing the *Rheinische Merkur;* when compared with this, asked the *Isis*, what was the importance even of the murder of Palm? Oken passed judgment on the university of Bonn, whose glories were so soon to outshine those of Jena, even before the place had been opened, saying that everything was practically ruined in advance by the patchy work and scrappy knowledge of the individuals in the service of the Prussian government. But the crown of all Prussia's offences was the army, with the obligation of universal military service. Was it not monstrous, asked the *Nemesis*, that the lieutenant should be able to earn a living so much earlier than the youthful legal official? Was it not barbarous, exclaimed Oken, that in Prussia "intellectual energies should be used as mere food for powder in the persons of common soldiers?"

Any reprobate who had occasion to experience the rigours of the Prussian law could count upon the support of these professorial journalists if only he had the wit to pose as a political martyr. In the year 1817 Massenbach offered to sell to the Prussian Government for the sum of 11,500 Frederic d'ors, the manuscript of a new volume of his lying memoirs, in the compilation of which he had illegally utilised numerous official papers. Thereupon, with the approval of the Frankfort senate, he was arrested, and after a careful report by General Grolman and in pursuance of a resolution of the council of state, was tried by court martial as an officer absent without leave, and was condemned to confinement in a fortress for attempted blackmail, and breach of military duty.[1] In this

[1] Minutes of the Council of State, July 7, 1817.

offensive business, whose details were immediately published by the chancellor, Luden's *Nemesis* took the side of the hero of Prenzlau, for anyone who used such free language towards the throne as Massenbach had done in Würtemberg could not possibly be guilty of a mean action. On the other hand the apostles of German unity severely censured the Frankfort senate because, regardless of the sovereignty of its own state, it had handed over a common criminal to another federal state!

Old Goethe felt he was in a topsyturvy world when his peaceful seat of the muses became so suddenly transformed into a noisy debating-ground and when the academic publicists were extolled in the press as if they had been the heirs of the Dioscuri of poetry. He feared serious consequences, and warned Luden that the state could not dispose of a hundred thousand bayonets to protect him! But when the government wished to administer a reprimand to Oken, Goethe advised the duke against this measure, saying that such an admonition was useless in any case, and was unsuitable for so deserving a man; it would be better, he continued, with sovereign contempt for the new constitution, to leave the learned hothead out of the matter altogether, and simply to forbid the printer to continue his "Catilinarian" undertaking. But the stout-hearted Charles Augustus was unwilling to take the political saturnalia of his professors so seriously. He contented himself with occasional admonitions and seizures, finding however fresh cause of vexation in every "nouvel accouchement de Monsieur Oken," for the grievances of those who were maltreated in the *Isis* were unending. Loudest of all complained Privy Councillor von Kamptz of Berlin, a distinguished lawyer and valuable official, widely known as a fanatical reactionary. He was numbered by Oken among the "men of no account," but protested threateningly against Oken's "bank-holiday tone." Anyone who knew the hard man might have foreseen that he would not content himself with words.

How could the students remain quiet in this marvellously excited little world? The great days of the Jena university had come to a close in the year 1803, and for long it had been impossible for Jena to compare with the intellectual forces of Heidelberg or Berlin; but the glories of past days continued to cleave to the name, and the unrestrained liberty of Jena student life had always been renowned among the German youth. "And in Jenè live we benè" ran the old student's song. There was

no other university town in which the dominance of the students was so complete; as late as the seventeen-nineties they had on one occasion trooped out to remove to Erfurt, and returned in triumph when the alarmed authorities had yielded to all their wishes. Contrasting strongly with courtly Leipzig, life in Jena continued to exhibit a rough, primitive, and youthful tone, in correspondence with the simple customs of the country. Just as the Ziegenhain cudgel, at that time the inseparable companion of the German student, was to be obtained in perfection only from the Saale valley, so also the pithy Jena regulations were highly esteemed in every students' club and duelling-place throughout Germany; many extremely ancient customs of the Burschen, such as the drinking of blood-brotherhood, were continued in Jena on into the new century. All roughness notwithstanding, an atmosphere of idealism pervaded these noisy activities, a romantic charm which was altogether lacking to the clumsy coarseness of the Berlin gymnastic ground. How many a youthful Low German, making his student's journey to the Fuchsturm and to Leuchtenburg, had then first become conscious of the poesy of the German highlands. With what gratitude and joyful enthusiasm did the Jena students make first-hand acquaintance with Schiller's dramas in the Weimar theatre. Under the foreign dominion, the university flaunted its German sentiments undismayed, so that Napoleon was once on the point of burning "the odious nest of ideologues and chatterers."

It was inevitable that this patriotic enthusiasm should flame up more fiercely when the young warriors now returned to the lecture theatre, many of them decorated with the iron cross, almost all still intoxicated with the heroic fury of the great struggle, filled with ardent hatred of "the external and internal oppressors of the fatherland." This was by far the best generation of students that had been known for many years, but these young men were unfortunately too serious for the harmless fantasies and the exaggerated friendships which endow student life with its peculiar charm. The urgently necessary reform of disorderly student customs could be effected only by a generation far more mature than had hitherto been the average of students, but in two arduous campaigns these chivalrous young men had had such profound experiences that they were unable to settle down once more into the modest role of the pupil; the danger of arrogance and conceit, which was in any case in the atmosphere of the day, was for them almost impossible to escape. Similar

tendencies to Christo-Germanic enthusiasm had once before showed themselves at the universities, in the days of the literary *Sturm und Drang*, when the young poets of the Hainbund were devoted admirers of Klopstock's *Messiah* and of the heroes of the Teutoburgerwald, and when they burned an effigy of Wieland, the poet of sedentary life. What had then been the motive impulse of a narrow circle was now common to thousands.

How contemptible must the corrupt club-life of the students necessarily appear to the strict-living new generation, hardened by campaigning. There still existed far too much of the barbarism of the old bullying times, although the humanism of the new literary culture had extended its refining influence even over university customs. Intemperance and debauchery often displayed themselves with a lack of restraint which to us of to-day seems incredible; gambling was practised everywhere, even in the open street; and the ineradicable German love of brawling so far exceeded all reasonable measure that in the summer of 1815 among the Jena students, three hundred and fifty in number, there were one hundred and forty-seven duels in a single week. The homely popular drinking songs and travellers' songs of the tuneful days of old had almost disappeared, and the students sang chiefly lewd ribaldry or the lachrymose effusions of a dull sentimentalism which belonged to a far earlier literary epoch. With the disappearance of the Rosicrucians and other secret societies of the old century, there disappeared also their spiritual kin, the students' orders. The associations of students from the same province (*Landsmannschaften*), which had since then been revived, jealously supervised their closed recruiting grounds, being characterised by a paltry particularist sentiment which arrogantly rejected everything that lacked the true parochial flavour, destroying all vigorous self-respect by the brutal fagging system (*Pennalismus*). The freshman must not complain if an impoverished senior student should offer him blood-brotherhood and an exchange of goods; the freshman must then give all that he had upon his person, his clothes, watch, and money, in exchange for the beggarly effects of his patron. One who graduated in such a school acquired the art of servility towards those above and arrogance towards those below.

How often had Fichte, at first in Jena and subsequently in Berlin, uttered vigorous protests against these disorderly practices. Among his faithful followers there was conceived as early as the year 1811 the design of constituting a Burschenschaft or

association of German students. The philosopher approved the undertaking; but, knowing his men, added the thoughtful warning that the Burschen must avoid confusing what was mediæval with what was German, and must be careful not to value the means, namely the association, more highly than the end, namely the revival of German sentiment. The students of Jena now associated themselves with these proposals of Berlin. They knew the seriousness of the profession of arms, and desired to control the rude lust for quarrels by the institution of courts of honour. During the war they had fought shoulder to shoulder as the sons of a single nation, and they therefore demanded the complete equality of all students, with the abolition of Pennalismus and of all the privileges which at many universities were still allotted to the counts' bench. But their ultimate and highest idea remained the unity of Germany: the power and the glory of the fatherland were to be embodied in one vast league of youth, which was to put an end to the existence of all the particularist student societies.

Arndt's *Vaterlandslied* remained the true programme of the Burschenschaft. Although the poet had taken no direct part in the young people's designs, he was regarded by friend and foe alike as the leader of the Teutonising youth. After a long and tempestuous life of many migrations, he had at length settled down in Bonn, and built for himself and his young wife, Schleiermacher's sister, a cottage amid a garden on the heights close to the Rhine, expecting "to enjoy to the full the glories of the Siebengebirge," and in peaceful happiness to store his energies for his professional work. It is true that he was as cordially enthusiastic as the youngest of the students in defence of "the golden academic freedom, the ancient and glorious chivalry of the Teutons"; but when one of the Heidelberg students questioned him regarding the reform of university life, he expressly warned his young friends, in his writing concerning the German student-state, against revolutionary excesses, saying, "It is better to allow that which exists to prevail than to strive after unattainable perfection." He had long adhered in loyal affection to Prussia and its royal house, and it was only his old hostility towards the Frederician age which he was unable to overcome. Since he had long before vigorously advocated the abolition of serfdom in his Hither Pomeranian home, his reputation among the reactionary party had been that of a preacher of equality. This reputation was utterly undeserved. Arndt's wishes never went

beyond the ideas of his patron Stein ; he wished for an effective subdivision of classes into a respected nobility, a free peasantry, and a vigorous bourgeoisie ranged in guilds ; and even Hardenberg's agrarian laws were regarded by him with a certain romanticist hostility.

There was no place for political fanaticism in this open and serene nature, in the affectionate spirit of this man who could only find adequate expression for the exuberance of his feelings by the heaping up of superlatives. To extol as brethren " Father Jahn and Father Arndt " was possible solely to the uncritical faculties of youth, and nothing but Arndt's touching modesty induced him to permit the comparison. In reality the two men belonged to utterly different strata of intellectual and moral culture. Although Arndt never acquired the strict methodology of the trained expert, he had at his command an inexhaustible treasury of well-secured knowledge, and moved freely upon heights of human culture to which Jahn was hardly able to lift his eyes. He often spoke of himself as a hardy countryman, and as a pedestrian could compete with the best of the gymnasts ; every day in summer he might be seen taking a long swim in the Rhine, or at work in his garden, wearing a blue overall. But he was also at home in society, and assured there of his position ; all glances turned towards the robust little man with the flashing blue eyes whenever he began to speak, for the charm of his conversation was irresistible, its flow always natural and energetic, its substance always brilliant and noble. So thoroughly healthy a mind could find little satisfaction in the coarse methods of the gymnasts. He exhorted the students that Germans ought not to draw their examples from among the rough Spartans or Romans. " Ask yourselves ' were they happy ? did they make others happy ? ' "

Among the Jena professors, Fries was the students' favourite ; these young men who were enthusiasts for the ideas of Fichte sat guilelessly at the feet of a teacher who had always been one of Fichte's opponents. In Jena the new doctrine of Hegel was still considered reactionary, and Fries maintained that it had grown, not in the garden of knowledge, but upon the dunghill of servility. Like Luden, Fries exercised far more influence as a teacher than as a writer. To youthful enthusiasts it was agreeable that the good-humoured but muddle-headed philosopher should confusedly intermingle concepts with feelings, and should thus resolve the moral world into a " sentimental broth," as Hegel

expressed it in a justly severe criticism. The students were strengthened in their subjective arrogance when, in ambiguous words, their ingenuous professor continually declared that a man must remain true to his conviction even if all the world were against him. Fries's philosophy of history seemed to the young folk especially appropriate to the time. He understood how to compress all the wealth of history within the limits of a formal and scanty doctrinal scheme, which has since his day been reiterated by countless learned publicists, and among others by Gervinus. According to this formula: in the east, human life was dominated by religion; in classical antiquity, by beauty; in the Christian world, by intuition; but recently, since the Revolution, the development of popular rights had been the central factor of history—a thesis which unquestionably opened the door to all the impertinences of political dilettantism. Although it was the honourable intention of Fries to guard the students against passionate aberrations, he allowed himself to be moved to many incautious utterances, and ultimately had to experience what almost inevitably happens when the intimacy between professors and students becomes too close; he lost touch with his young friends (who, after all, did not confide everything to their teacher), and failed to notice how revolutionary a spirit was gradually gaining the upper hand.

At the outset, the sole political idea of the Jena Burschen was a vague patriotic sentiment. They were zealots on behalf of an abstract Germanism, such as had formerly been extolled in the *Addresses to the German Nation*, but they had absolutely no notion of the vivid Prussian sense of the state which animated Fichte in the evening of his days. All distinction between Prussia, Bavaria, and Saxony was to disappear in the single concept of Germanity; and since, among all the German states, no other possessed so firmly individualised a life as Prussia, these youthful dreamers, who were continually talking about the glories of the War of Liberation, nevertheless imperceptibly began to follow the same false road as the *Nemesis* and the *Isis*, and to overwhelm with accusations the state which almost single-handed had conducted the war.

Among the founders of the Burschenschaft there was but one Prussian, Massmann of Berlin, an upright young enthusiast of exceedingly mediocre mental endowments, the most confused intelligence among all the berserkers of Jahn's immediate circle. All the others were Thuringians, Mecklenburgers, Courlanders,

Hessians, Bavarian-Franconians, and for them, naturally, it was easy to contemplate the disappearance of their native states in a general Germanity. At the Prussian universities the Burschenschaft struck root very slowly, making its first appearance in Berlin. In Breslau its first adherents were the New Prussians of Lusatia; the Silesians were for a long time unwilling to admit that to a genuine Teutoniser the state of Frederick the Great could be of no more account than Bückeburg or Darmstadt. The men of Jena, on the other hand, and the revolutionists of Giessen, who were the earliest adherents of the Burschenschaft movement, did not merely condemn every justified sentiment of Prussian self-satisfaction as "un-German Prussianism," but further did not hesitate to erase from the history of the War of Liberation all that was Prussian, all that gave that history life and colour. The song-book of the Burschenschaft, A. Follen's *Free Voices of Fresh Youth*, when reproducing all the beautiful war-songs which recounted Prussia's fame, mutilated them in such a manner that the name of Prussia did not appear in the whole collection. In Arndt's *Husarenlied*, Blucher no longer swore in the poet's original words "to teach the Frenchman the Prussian way"; now he was to teach "the Old German" or "the most German" way. Moreover, the leaders of the Burschenschaft had for the most part served among Lützow's yagers, and had there, as members of a "purely German volunteer force," become accustomed to regard with contempt the Prussian army of the line, although this in actual warfare had been so much more successful than themselves. The result was that these enthusiasts for Germanism were from the first almost as hostile as the gymnasts to the most living force of our national unity. It is easy to understand that a childish belief in the infallible wisdom of "the people" and a sentimental preference for republican forms were far more prevalent among the students than among men of maturer years. Like the majority of older liberals, the students desired representative institutions chiefly because they considered that the mainsprings of particularism were to be found in the cabinets alone. It was Carl Sand's opinion that if only there existed a constitution in every German land, there would no longer exist Bavarians or Hanoverians, but only Germans!

Yet during these first years of the movement there was little trace of morbid over-excitement. Pretentious, indeed, was the aspect of the students in their extraordinary Christo-Germanic rig-out, biretta, sombre coat, and feminine collar; nor was their

appearance rendered more agreeable by the adoption of the new customs of the gymnasts which soon made their way to Jena. But beneath the rough husk was a sound kernel. Greatly astonished were the authorities when the continuous warfare against university discipline, a warfare which had ever been the pride of the Landsmannschaften, now ceased of a sudden; and how much more refined became the whole tone of academic life when the songs of Arndt and Schenkendorf were heard at the drinking parties, and when a number of youthful poets, and especially Binzer of Holstein, were continually writing new and vigorous students' songs. Almost all the serious songs which German students sing to-day date from this period; even the students' inaugural song, the *Landesvater*, now first acquired its fine patriotic sense through some happy modifications. Christian piety, though in many instances too ostentatiously displayed, was for the majority a matter of genuine internal conviction; many of the young dreamers seemed as it were transfigured by their pious delight in all the wonders which God had worked on behalf of this nation.

A notable feature of the new Teutonism was an ineradicable hatred for the Jews. Since the powerful excitement of the War of Liberation brought to light all the secrets of the German character, amid the general ferment the old and profound hostility to everything Judaic once more made itself manifest. Almost all the great thinkers of Germany, from Luther down to Goethe, Herder, Kant, and Fichte, were united in this sentiment; Lessing stood quite alone in his fondness for the Jews. Immediately after the peace there began a violent paper-warfare about the position of the Jews, which for five years filled the German book-market with pamphlets on this subject, and in which the younger generation, in especial, participated with passionate eagerness. Since the days of Moses Mendelssohn's valuable endeavours, a portion of the German Jewry had laboured with considerable success to bridge the wide chasm separating their tribe from German customs and German culture. Many of the leading Jewish families in the great towns had by now become thoroughly Germanised. In the Berlin synagogue, from the beginning of the nineteenth century onwards, the sermons were delivered in German, and in this matter Leipzig and other towns soon followed suit. Then Israel Jacobson, the founder of the great schools at Seesen, arranged for a worthier

form of religious service, and David Friedländer warned his co-religionists, in his *Addresses of Edification*, that only if they wholeheartedly assimilated German civilisation could they expect their demand for complete emancipation to be gratified. The mass of the German Jews, above all in the Polish frontier provinces, accepted these ideas of reform with extreme slowness; they remained devoted to huckstering and usury, immersed in the gloomy fanaticism of the Talmudical faith, a prey to all the defects of those who have suffered bondage for many generations. When the French entered the country there was evident in many Jewish circles a readily comprehensible sympathy for the nation which had been the first to grant complete equality to the Jews, and Napoleon understood very well how to flatter the Jewish spirit of cosmopolitanism; the most zealous tool of the French police in Berlin was Davidsohn-Lange, the publisher of the well-known *Telegraphen*.

It was only a part of the Jews, moreover, which manifested patriotic zeal in the War of Liberation. The sons of those cultured families in which German sentiments were already thoroughly developed, faithfully performed their military duties; but many others were held aloof from the army by bodily weakness and by a profoundly implanted dread of arms, while many were also repelled by the strictly Christian spirit of the great movement. From the Jews of West Prussia, who were but then laboriously emerging from the Polish mire, it would have been quite unreasonable as yet to expect German sentiments; they displayed such alarm at the idea of military service that upon their urgent petition the king granted them (May 29, 1813) the right to purchase immunity, and this privilege was utilised on so extensive a scale that a great part of the expenses of establishing the West Prussian Landwehr was defrayed out of the fees paid by the Jews for exemption. The only available official list of Jewish soldiers, which includes those enrolled in the great majority of the Prussian regiments, shows that in the year 1813 there were only 343 Jews in the army; while in the year 1815, when the strength of the army attained its highest figure, there were to be found with the colours, at the most liberal estimate, no more than 731 Jews, an extraordinarily low figure considering the proportion of Jews to the population.[1] After the war, their

[1] *Militär Wochenblatt*, 1843, p. 348. History of the Organisation of the Landwehr in Prussia (Supplement to the before-mentioned newspaper for the year 1858), p. 120.

number sank once more to between two and three hundred. What was there, indeed, to attract them to the colours? By the law of 1812 they were excluded from commissions, and since the king enforced this rule very strictly, during these long years of peace there was but one Jewish officer in the army of the line, M. Burg, for many years teacher at the school of artillery, a thoroughly modest and efficient soldier. Of course the young Teutonisers had no eye for the complicated historical causes which gave all too easy an explanation of the unmilitarist sentiments of the Jews. At this time, too, the money power of certain great Jewish firms in Vienna, Frankfort, and Berlin, began to make itself plainly perceptible, and was often displayed with purse-proud arrogance; moreover, political ill-feeling was aroused by the Rothschilds' confidential intercourse with Metternich and Gentz. Then came the years of famine; horrible tales, true and false, of the cruelty of Jewish usurers ran through the land. The ancient racial hatred revived. Sessa's comedy, *Our Traffic*, a bitter satire of Jewish manners and customs, made triumphal progress through well nigh all the theatres of Germany.

In the literary struggle which now took place there were not infrequently displayed on the Jewish side astounding mendacity and presumption, which served to show more clearly than all the discourses of their opponents what serious considerations could still be marshalled against the complete emancipation of the Jews. Saul Ascher of Berlin mocked at the "Germanomania" of the young generation in a number of malicious writings which exhibited fanatical hatred for all that was German, and for Goethe in particular. He boasted of the unbelieving Jews that it was their destiny in world-history to replace all positive faiths by a freer form of thought, and had the effrontery to ascribe to the members of his race the chief credit for the victories of the War of Liberation: "People forget that in the struggle with France, Germany's army had the worst of it until the Jews came to participate, nor do they remember how successfully these armies fought in the years 1813 and 1814 as soon as the Jews from Russia, Poland, Austria, and Prussia were enrolled in their ranks." Another Jewish author who took the field against Rühs and Fries unashamedly declared, only a year after the Belgian campaign, that at Belle Alliance alone fifty-five Jewish officers had fallen, whereas the Prussian army in this battle had lost in all no more than twenty-four officers. A third writer, plainly well-intentioned, published *A Friendly Word to Christians*, sug-

gesting good-naturedly that since the obstinate Jews would certainly not abandon their ancient customs, the best thing would be if the Christians would for the sake of harmony change their Sunday to the Sabbath. In Frankfort, Hess, a Jewish teacher, declared that all his Christian opponents were either visionaries or the instruments of vulgar selfishness.[1]

In face of such arrogance it was inevitable that unjust and offensive expressions should be used in the other camp as well; nevertheless the great majority of the Christian writers maintained a dignified attitude. Lessing's ideas had quietly secured currency, and no German would any longer write so cruelly about the Jews as Fichte had formerly done. Almost all reasonable persons started from the principle that mere residence in the country did not *per se* suffice to justify a claim to the full rights of citizenship; they were willing to admit the Jews to equality in the domain of civil law, but not—or at any rate not yet—to complete equality in all other respects. However harsh this view necessarily appeared to cultured Jews, it was unquestionable that the mass of their race was still in a neglected condition which rendered complete emancipation inadvisable; a Jew was even found to direct to the German princes a pitiful appeal that they should effect an improvement of the Jewish educational system "in order to uplift my nation out of spiritual gloom."[2] The Prussian law of 1812, which conceded to the Jews all civil rights except admission to the state service, was far in advance of the narrow-minded provisions of most of the other German legal systems, and expressed, on the whole, what was regarded as attainable by the liberals of that day. Even Hardenberg, Koreff's patron, in general extremely favourable to the Jews, had no desire to overstep this boundary.

Such were the sentiments expressed by the historian Rühs, who initiated the anti-Jewish literary polemic, and both Fries and Luden followed in his footsteps. Even the radical *Oppositionsblatt* held the same view as the Christo-Germanic professors; so did Paulus, the leader of the rational Protestants, and Klüber, the secular liberal publicist. Among writers of note, Kotzebue was especially friendly to the Jews, for the deadly enemy of the

[1] Saul Ascher, Germanomania, Berlin, 1815, p. 67. Observations on the Writings of Professors Rühs and Fries concerning the Jews, Frankfort, 1816, p. 4. A Friendly Word to Christians by a Jew, place of publication not stated, 1816. M. Hess, Frank Examination of Rühs's Writing, Frankfort, 1816.

[2] Patriotic Appeal of a Loyal Israelite to the Princes of Germany, Büdingen, 1816.

young Teutonisers was attracted to Saul Ascher by an inner elective affinity; yet even he was of opinion that Jewish culture must be radically transformed "by a species of conversion" before the Jews could acquire equal rights. Immediate emancipation was demanded by no more than a few isolated and little known Gentile journalists, as for instance by Lips, of Erlangen, who desired to make the German nation more lively by an admixture of Jewish blood.

Hatred of the Jews was so powerful and wide-spread that even in the detestable Jewish dispute of Frankfort, wherein the Jews were treated with manifest injustice, public opinion was almost unanimously adverse to their side. How grossly had the allied powers sinned against our ancient emperor's town in conferring upon it the empty title of an untenable sovereignty. During the days of the empire, though Frankfort had borne the name of an imperial town, it had always been the emperor's town, immediately subject to the monarch's commands, and it was gloriously distinguished before all other German cities by the vigorous communal sentiments of a wealthy, active, and cultured bourgeoisie. Even now, after the wars, the Senckenberg institute and the Städel museum were opened, and a number of societies for the promotion of generally useful activities set vigorously to work. Under the supremacy of a powerful state-authority, the beautiful place might have become the paragon of German municipalities. But now the town and the eight and a half districts of its domain received the complete independence of a sovereign state. Only as far as constitutional disputes were concerned was an arbitral right reserved for the Germanic Federation, the powers of this body being far inferior to the monarchical authority of the emperor in old times. Moreover, with the arrival of the troop of federal envoys a courtly element was introduced, falsifying the straightforward civic spirit, and involving many of the old patrician families and all the financial life of Frankfort in the intrigues of diplomacy.

Morbid arrogance inevitably resulted from relationships so unnatural. The bourgeoisie regarded "the fathertown" as the capital of Germany, misusing their newly acquired sovereignty with all the unrestraint of that social egoism which almost invariably predominates in municipalities not subjected to the even-handed justice of monarchical state-authority. The new constitution of 1816 was careful to protect the established burghers against foreign competition; no new-comer could acquire civic rights

except by the payment of 5,000 guldens or by marriage with a Frankfort woman. The same sentiment of parochial narrowness also led the town to deprive the Jews of the civic rights which they had purchased from Dalberg. With formidable outcry they at once armed in their own defence, and young Ludwig Börne placed his incisive pen at the service of his oppressed co-religionists. The legal question was far from being so simple as Börne, with pettifogging impudence, maintained. From the point of view of strict law the 440,000 guldens which the Jewish community had paid to the grand duke of Frankfort could not be regarded as the purchase price of civic rights, but simply as a sum paid to compound for the old tax of 22,000 guldens imposed annually on the Jews ;. and since the federal act merely guaranteed the Jews the rights they already possessed in the states of the Germanic Federation, little legal objection could be raised to the step taken by the Frankfort bourgeoisie. Consequently the claim of the Jewish community was rejected as groundless by the arbitration court of the Berlin faculty.

When the Jews thereupon applied to the Bundestag with a statement of grievances, the political power of the house of Rothschild emerged for the first time from obscurity and an unprecedented thing happened, for the Bundestag actually showed itself more liberal than public opinion. Hardenberg, in accordance with the old traditions of the Prussian spirit of toleration, from the first instructed the Prussian envoy to insist that the Jews of Frankfort were at least entitled to exercise restricted civic rights ; and, to the astonishment of the uninitiated, Austria supported this view, the reason being that the Hofburg could not get along without the Rothschilds' money. When Metternich and Gentz visited Frankfort in the year 1818, they devoted all their influence (as formerly at the congress of Vienna) to the service of their wealthy protégés. The proceedings now went forward with customary slowness, and in the year 1824, through the instrumentality of the Bundestag, the Frankfort Jews reacquired a portion of their rights. They were recognised as "Israelite burghers," but remained excluded from official positions, and acquired equality with Gentile citizens only in matters of civil law. Even in this last point there were certain petty restrictions. For example, the Jews were not allowed to engage in the fruit trade ; they might possess no more than one house each ; their community was not allowed to celebrate more than fifteen marriages annually. With few exceptions, the newspapers tenaciously espoused the

cause of the parochially-minded bourgeoisie of Frankfort, for Dalberg's laws were in ill-repute as the work of the foreign dominion, while there was a general dread lest through the exuberant growth of Hebrew activities the federal town might lose its German character. Luden wrote bluntly, "*vox populi, vox Dei*—the voice of the people is unfavourable to the Jews."

In student circles, this mood of the day was further accentuated by the romanticism of Christian enthusiasm. The students regarded themselves as a neo-Christian knighthood, displaying their hatred of the Jews with a crude intolerance which strongly recalled the days of the crusades. From the first, it was definitely resolved to exclude all non-Christians from the new league of youth. Could this be effected, the Jewish students would in reality be robbed of their academic civic rights, for it was the aim of the Burschenschaft to impose its laws upon the totality of the students, and to abolish all other associations.

As early as the summer of 1814 there was constituted in Jena a society of arms to prepare its members by means of knightly exercises for the military service of the fatherland. In the following spring, the members of two Landsmannschafts, weary of the fruitless old activities, joined certain students hitherto unattached to any organisation, and on June 12, 1815, the new Burschenschaft was inaugurated, in accordance with the ancient custom of Jena, by a formal procession through the market place. It was led by two divinity students from Mecklenburg, Horn and Riemann, and by an enthusiastic pupil of Fries, Scheidler from Gotha; these were all fine young fellows who had fought valiantly during the war. The first speaker, Carl Horn, who at a later date became widely known as the teacher of Fritz Reuter, remained until advanced in age faithful to the enthusiasms of his youth, and died in the pious belief that in founding the Burschenschaft he had been engaged in "the Lord's work." The new association immediately broke with all the evil customs of Pennalismus, and it was governed in accordance with purely democratic principles by a committee and executive officers appointed in open election; its court of honour reduced the practice of duelling within modest limits, and kept a strict watch upon the morals of its members.

A year after the foundation of the Burschenschaft all the other students' corps in Jena had been dissolved, and the Burschenschaft now seemed to have attained the goal of its desire,

to have become a union of all the Christian German students. In these early days there still prevailed the good tone of a cordial patriotic enthusiasm. What an abyss separated existing custom from the roughness of earlier days now that the Burschen sang as their association song Arndt's vigorous verses:

To whom shall first our thanks resound?
To God, Whose greatness wonderful
From night of long disgrace is seen
Forth-flaming in a glorious dawn,
Who humbled hath our haughty foes,
Who our strength for us renews,
And ruling sits beyond the stars
Till time becomes eternity.

For the emblem of their league and of German unity, which this emblem was intended to symbolise, the Burschen adopted, in accordance with Jahn's proposal, a black-red-and-gold banner. Probably these were the colours of the uniform of Lützow's volunteers, and this force had also carried a black-and-red flag embroidered in gold.[1] Some members of the Burschenschaft were indeed bold enough to maintain that in this banner were renewed the black-and-yellow colours of the old empire, embellished by the red of liberty, or perhaps of war (for red had once been the war colour of the imperial armies). But the more zealous members would hear nothing of such historical memories, and interpreted their colours as meaning the passage from the black night of slavery, through bloody struggles, to the golden dawn of freedom. Thus it was that from out these students' dreams there came into existence that tricolor, which for half a century remained the banner of the national desire, which was to bring to Germany so many hopes and so many tears, so many noble thoughts and so many sins, until at length, like the black-blue-and-red banner of the Italian carbonari, it became disgraced in the fury of party struggles, and, once more like the carbonari banner, was replaced by the colours of the national state.

The intention of the Burschenschaft to unite all the students in a single association originated in an overstrained idealism, for the greatest charm of such societies of young men lies, in truth, in the intimacies of individual friendship. The invincible personal pride of the Germans would not so readily allow all to be treated on equal terms. To aristocratic natures, the general use

[1] Fuller details in Appendix V.

of the familiar "thou," which the Burschenschaft enjoined, was uncongenial. Not alone the rude debauchees of the old school, but also many harmless pleasure-loving young men, were bored by the precociously wise and earnest tone of the Burschen, among whom prestige could be acquired solely by emotional eloquence, or perhaps, in addition, by good swordsmanship. Men of free and individual intelligence, such as young Carl Immermann of Halle, cared nothing for the opinion of the leaders of the Burschenschaft, holding that distinguished student chiefs are very rarely men of talent. The only resource against such opponents was dictatorial severity, and the narrowness characteristic of every new tendency (among young men at least) soon increased in the Burschenschaft to the pitch of terrorism. In Jena it proved possible for the time being to silence all differences of opinion, and the conceit of the Burschen now became intolerable. With important mien, the executive and the members of the committee strode every afternoon up and down the market place, deliberating in measured conversation the weal of the fatherland and of the universities; they regarded themselves as lords of this small academic realm, all the more because most of the professors exhibited for these youthful tyrants a quite immoderate veneration, compounded of fear and benevolence; even now, the leaders of the Burschenschaft looked forward to the time when their organisation would rule all Germany.

Patriotic orations displaying passion and enthusiasm became more and more violent, already concluding at times with the triumphant assertion: "Our judgment has the weight of history itself; it annihilates." How many old members of the Burschenschaft went down to their graves inspired by the happy illusion that it was in truth their organisation which had founded the new German empire. Half a century later, Arnold Ruge described the long struggle for unity and freedom characteristic of modern German history as a single great *pro patria* dispute between Burschenschafts and students' corps. Indisputably, many a young man of ability acquired his first understanding of the splendour of the fatherland at a students' drinking party, but the political idealism of those days was too formless to arouse a definitely drected sentiment. To the first generation of the Burschenschaft there belonged, in addition to isolated liberal party-leaders like H. von Gagern, a great many men who subsequently displayed ultra-conservative tendencies, as for instance Leo, Stahl, W. Menzel, Jarke, and Hengstenberg. Voluble enthusiasm, hazy

egoism, and the persistent confusion of appearance and reality, were unfavourable to the development of political talent. On the whole it may be said that from the Burschenschaft there proceeded more professors and authors, whilst from the ranks of the corps, the subsequent opponents of the Burschenschaft, were derived more statesmen.

For the present, however, the Burschenschaft was supreme in Jena. Its fame was disseminated through all the universities, where it attracted new students, and at Jena the number of students speedily became doubled. At other universities, too, Burschenschafts were established; in Giessen, for instance, and in Tübingen, where as long before as 1813 a Tugendbund had been founded to counteract academic brutality. Quite spontaneously there now awakened the desire to celebrate the new community at a formal meeting of all German Burschen. In dispersed peoples, the impulse to unity finds natural expression in such free social relationships, extending beyond the bounds of the individual state; in Germany, as in Italy, congresses of men of science, artists, and industrials were, like stormy petrels, the forerunners of the bloody struggles for unity. Among the Germans it was the students who took the first step, and nothing can show more plainly the inertia of political life in those days. Long before grown men had conceived the idea of coming to an understanding about their serious common interests, among our youth the impulse became active to interchange their common dreams and hopes, and through the play of the imaginative life to rejoice in the ideal unity of the fatherland.

3. THE WARTBURG FESTIVAL.

The centenary festival of the Reformation awakened everywhere among Protestants a happy sentiment of grateful pride. In these days even Goethe sang: "Ever in art and science shall my voice of protest rise." The students, in especial, were affected by this mood of the time, because their minds were still influenced by the Christian Protestant enthusiasm of the War of Liberation. When the idea of a great fraternal festival of the German Burschen was first mooted in Jahn's circle, the Jena Burschenschaft resolved to postpone the day of assembly to the eighteenth day of "the moon of victory" in the year 1817, in order to combine the centenary festival of the Reformation with the customary annual commemoration of the battle of Leipzig.

Arminius, Luther, Scharnhorst, all the great figures of those who led Germanism in the struggle against foreign encroachments, became fused into a single image in the conceptions of these young hotheads. To the more revolutionary spirits, Luther seemed a republican hero, a precursor of the free "conviction." In a commemorative pamphlet by Carl Sand, which was circulated among the students, the Evangelical doctrine of Christian freedom was fantastically intertwined with modern democratic notions. "The leading idea of our festival," wrote Sand, "is that we are consecrated to priesthood through baptism, that we are all free and equal. From of old there have ever been three primal enemies of our German nationality: the Romans, monasticism, and militarism." By this attitude, the universally German character of the festival was from the first impaired. The Catholic universities of the highlands, which in any case had as yet no regular intercourse on the part of their students with those of North Germany, could not receive an invitation; the Burschen of Freiburg had to light their fires of victory on the eighteenth of October by themselves, on the Wartenberg near Donaueschingen. The Austrian universities did not come into the question at all, for they were quite aloof from the German students' customs, and, with the exception of the Transylvanian Saxons and a few Hungarians, hardly any Austrians studied in Germany. Even in the Prussian universities, the Burschenschaft had as yet secured so few adherents that Berlin was the only one to accept the invitation. The consequence was that at the festival of the national battle the students of the two states which alone had fought at Leipzig in the cause of freedom were almost unrepresented, and all the extraordinary fables with which the liberals of the Rhenish Confederate lands were accustomed to adorn the history of the War of Liberation found free currency.

Long in advance, and with vigorous trumpeting, the press had heralded the great day. A free assembly of Germans from all parts, meeting solely on behalf of the fatherland, was to this generation a phenomenon so astounding as to seem almost more important than the world-shaking experiences of recent years. During October 17th fifteen hundred Burschen arrived at Eisenach, about half of this number being from Jena, thirty from Berlin, and the rest from Giessen, Marburg, Erlangen, Heidelberg, and the other universities of the minor states; following the custom of the gymnasts, the vigorous men of Kiel had come the whole distance on foot. Four of the Jena professors, Fries,

Oken, Schweitzer, and Kieser, were also present. As the men of each new group entered, they were greeted at the gate with loud hurrahs, and were then conducted to the Rautenkranz, there before the severe members of the committee to swear to observe the peace strictly for three days. Early on the following morning, a fine autumn day, "the sacred train" made its way through the forest to the reformer's stronghold. The procession was led by Scheidler, carrying the sword of the Burschen, and followed by four vassals; next came Count Keller, surrounded by four standard guards, with the new colours of the Burschen which the girls of Jena had shortly before embroidered for their austere young friends; the Burschen followed two by two, among them a number of heroic German figures, many of them bearded (which to the timid already sufficed to arouse suspicion of treasonable designs). Delight shone from every eye, for all were inspired by the happy self-forgetfulness of youth which is still able to immerse itself in the pleasures of the moment. It seemed to them as if to-day for the first time they had been able truly to appreciate the glories of their fatherland.

In the banqueting-hall of the Wartburg, which the grand duke had hospitably thrown open, *God is to us a tower of strength* was first of all sung amid the rolling of kettle-drums and the blast of trumpets. Then Riemann, of Lützow's yagers, delivered an inaugural address describing in emotional and exaggerated phraseology the deeds of Luther and of Blucher, and going on to exhort the Burschen by the spirits of the mighty dead "to strive for the acquirement of every human and patriotic virtue." The speech was not free from the current catchwords about the frustrated hopes of the German nation and about the one prince who had kept his word. As a whole, it was a youthful and obscure but thoroughly harmless outpouring of sentimentality, just as vague and unmeaning as the new pass-word *Volunto!* of which the Burschen were so fond. Nor did the subsequent speeches of the professors and of the other students exceed this measure, for even Oken spoke with unusual self-restraint, warning the young people against premature political activities.

After the midday meal, the Burschen returned to the town and went to church, the service being also attended by the Eisenach Landsturm; and after church the champions of the Berlin and Jena gymnastic grounds displayed their arts to the astonished Landsturmers. At nightfall there was a renewed procession to the Wartenberg, opposite the Warsburg, this time by torchlight,

and here were lighted a number of bonfires of victory, greeted with patriotic speeches and songs. Hitherto the festival had been characterised by a pleasing harmony, but now it became manifest that there already existed within the Burschenschaft a small party of extremists, composed of those fanatical primitive Teutons of Jahn's school who passed by the name of "Old Germans." The Turnvater had felt that this valuable opportunity for a senseless demonstration must on no account be lost. He had suggested that the festival in commemoration of Luther should be crowned by an imitation of the boldest of the reformer's actions, and that just as Luther had once burned the papal bull of excommunication, so now the writings of the enemies of the good cause should be cast into the flames. Since the majority of the festival committee, wiser than Jahn, had rejected the proposal, Jahn had given his Berlin companions a list of the books to be burned, and his faithful followers, led by Massmann, now determined to carry out the master's plan on their own initiative, a proceeding which the committee, desiring to keep the peace, was unwilling positively to prohibit. On the Wartenberg, hardly had the last serious song been finished by the Burschen surrounding the fires, and the true festival been brought to a close, when Massmann suddenly came to the front, and in a bombastic speech exhorted the brethren to contemplate how, in accordance with Luther's example, sentence was to be executed in the fires of purgatory upon the evil writings of the fatherland. Now had arrived the sacred hour "in which all the world of Germany can see what we desire; can know what is to be expected from us in the future."

Thereupon his associates brought forward several parcels of old printed matter, each inscribed with the titles of the condemned books. Tossed in by a pitchfork, the works of the traitors to their fatherland then fell into the infernal flames amid loud hooting. The parcels contained a wonderfully mixed society of about two dozen books in all, some good and some bad, everything which had most recently aroused the anger of the *Isis* and similar journals. There were burned the works of Wadzeck and Scherer, and, to make a clean sweep, those "of all the other cribbling, screaming, and speechless foes of the praiseworthy gymnastic craft"; copies of the *Alemannia*, too, found their way to the flames, with issues "of all the other newspapers which disgrace and dishonour the fatherland"; then, of course, came three writings by the detested Schmalz (while the chorus intoned

an opprobrious pun upon the author's name), and the *General Code of the Gendarmerie* by Schmalz's comrade, Kamptz. Beside the *code Napoléon*, Kotzebue's *German History*, and Ascher's *Germanomania* (followed by a shout of "Woe unto the Jews"), there was burned Haller's *Restoration*, the choice of this victim being explained on the ground "the fellow does not want the German fatherland to have a constitution"—although not one of the Burschen had ever read this ponderous book. But even Benzenberg and Wangenheim, liberals both, had to suffer at the hands of these angry young men because their works had proved incomprehensible to the Jena journalists. Finally, an Uhlan warrior's pair of stays, a pigtail, and a corporal's cane, were burned as "fuglemen of military pedantry, the scandal of the serious and sacred warrior caste"; and with three groans for "the rascally Schmalzian crew" the judges of this modern Fehmic court dispersed.

The farce was indescribably silly, but no worse than many similar expressions of academic coarseness, and it demanded serious consideration only on account of the measureless arrogance and Jacobin intolerance shown in the young people's offensive orations. Stein spoke in very strong terms about "the tomfoolery at the Wartburg"; while Niebuhr, ever inclined to the gloomiest view, wrote with much anxiety, "Liberty is quite impossible if young people lack veneration and modesty." He was disgusted by this "religious comedy," by the ludicrous contrast between the bold reformer who had risen in revolt against the highest and most sacred authority of his time, and on the other hand this safe passing of fiery judgment by a group of boastful young Burschen upon a number of writings of which they hardly knew a line! At the students' assembly, on the following day, the young men made use of calmer language, being at least more reasonable than their teacher Fries, who had left them a written discourse of an incredibly tasteless character, turgid with mystical biblical wisdom and Saxe-Weimar arrogance of liberty. "Return," admonished Fries, "to your own places saying that you have visited the land where the German people is free, where German thought is free . . . Here there is no standing army to burden the nation! A little land shows you the goal! But all the German princes made a similar promise" . . ., and so on. Certainly Stein had good reason for censuring the Jena professors as "drivelling metapoliticians," and Goethe reason just as good when he invoked a curse upon all German

political oratory, for what could be expected from the young when their revered teacher held up the four-and-twenty hussars of Weimar as a glorious example for the rest of Germany! The same repulsive intermingling of religion and politics which was displayed in Fries's speech, came to light once more in the afternoon, when some of the Burschen hit upon the idea of taking Holy Communion. Superintendent Nebe actually conceded the point, and administered the sacrament to a number of excited and more or less intoxicated young men—a characteristic example of that deplorable laxity which in time of trouble has ever distinguished both the temporal and the spiritual authorities of the petty states.

Notwithstanding the follies of individuals, the festival as a whole was harmless, happy, and innocent. When in the evening the young men had said their farewells with streaming eyes, for most of them there remained a life-long memory, scintillating like a May-day in youth, as Heinrich Leo assures us. They had had a brotherly meeting with comrades from the south and from the north; they considered that the unity of the disintegrated fatherland was already within their grasp; and if only public opinion had been sensible enough to leave these young hotheads to themselves and to their own dreams, the good resolutions which many an excellent youth formed in those hours of excitement might have borne valuable fruit.

But amid the profound stillness which brooded over the German north, the impudent speeches of the Burschen resounded far too loudly. It seemed as if friend and foe had entered into a conspiracy to increase to the pitch of mania the sentiment of morbid self-conceit, that deadly sin of youth which corrupts its honourable enthusiasms, as if everyone accepted the boastful assurance of Carové, one of the Wartburg orators, who had extolled the universities as the natural defenders of national honour. With ludicrous earnestness the liberal newspapers delightedly hailed this first awakening of the public life of the nation, "this silvery sheen in our history, this blossoming of our epoch"; while, on the other hand, the old terror of the domesticated townsman for the students who used to beat night watchmen clothed itself in a political dress. A whole library of writings and counter-writings illuminated the extraordinary drama from all sides, raising this outburst of students' revelry to the level of a European event. It was natural that the heroes of the occasion should participate with justified pride in this paper-warfare.

The most faithful picture of the young people's hazy enthusiasm was given by Massmann in a long report of the festival, in which the stilted oracular phraseology unquestionably served to show how much that was un-German was after all concealed in the Jahnese "strong-manhood." "Although the gloomy winter night of serfdom," he begins, "still lowers over the hills and the streams of the German land, nevertheless the peaks are aflame, and the blood-red gold of dawn gathers strength." The poor young man had now to make severe atonement for the Turnvater's folly. Since he dreaded a prosecution and did not wish to cut too painful a figure before the judges, he had to devote the whole winter term to the belated perusal of all the evil books which he had symbolically burned on the Wartenburg. Another work, presumably by Carové, was dedicated to the writer's Rhenish fellow-countrymen with the wish that the spiritual sun of the Wartburg might illumine them also, might bring them strength and consolation in their misfortune. The majority, however, still remained tolerably quiet. A proposal to publish a political programme was rejected with the definite declaration that the Burschenschaft was not to intervene in politics, whilst a short writing on the Wartburg festival by F. I. Frommann, a member of a respected family of Jena booksellers, was thoroughly modest, being characterised merely by a harmless youthful enthusiasm.

Unfortunately several of the professors who had attended the festival proved far more foolish than their pupils. In a typically coarse newspaper report, Fries did not hesitate to express plain approval of the fire-assize which had dealt with the writings "of some of the Schmalzian crew." To "many who discuss Germany wisely and unwisely," Oken, in the *Isis*, held up the Wartburg gathering as a brilliant example, availing himself of all the pictorial wealth of his goose-heads, donkey-heads, priest-heads, and Jew-heads, in order to pour out fresh scorn upon the authors of the burned writings, whereupon the Jena students, in a masked procession through the market place, gave a dramatic representation of the *Isis* caricatures. Finally Kieser, who, despite his magnetic secret doctrines, was respected by other members of the medical faculty as a man of intelligence and learning, published a work, "dedicated to the Wartburg spirit of the German universities," positively luxuriating in crazy vaunts, saying that the Wartburg festival was "an event of which Germany's peoples will still be proud when centuries have elapsed,

one of those events which, like all that is truly great, never recur in history, an event which in its hidden womb may bear fruitful germs, influential for centuries to come ! "

For these outbreaks of academic delusion of grandeur, the petty sensibilities of the members of the opposing party were largely responsible. The age was still but little accustomed to the virulence of political struggles, and almost all the authors who had been selected for condemnation felt that they had been seriously affronted by the tomfoolery of the students. Wangenheim alone bore the insult with good humour, saying that hitherto his colleagues at the Bundestag had regarded him with suspicion as a demagogue, but that since his book had been burned upon the Wartburg they had come to greet him in a more friendly spirit. Many of the others uttered loud complaints, and circulated gloomy reports, as that the charter of the Holy Alliance and the federal act had also been burned by the youthful traitors. Especially infuriated was Privy Councillor Kamptz, and he eagerly grasped the welcome chance of suppressing the academic Jacobins once for all. What a piece of luck it was that the ignorant young men had chosen to commit to the flames his gendarmerie code, a collection of police regulations, to which the editor had added hardly anything ! Sovereign ordinances, among them some issued by Charles Augustus himself, had been publicly burned upon the grand-ducal soil of Saxe-Weimar, and according to Quistorp's work upon *Criminal Law* it was indisputable that the " crime of *lèse-majesté* " had been perpetrated. In two minatory letters to the grand duke, and subsequently in a pamphlet *Concerning the Public Burning of Printed Matters*, Kamptz expounded these ideas, and stormily demanded satisfaction, declaring that German soil had been desecrated, that the century had been defiled by the vandalism of demagogic intolerance, and by vulgar displays on the part of the tools of evil professors.

At the court of Vienna the only feeling was one of alarm and anger. The news from Eisenach led Metternich for the first time to devote serious attention to German affairs, which he had hitherto treated with profound indifference, for he recognised with terror that behind the fantastical activities of these young men there lurked the deadly enemy of his system, the national idea. He immediately declared to the Prussian envoy that the time had arrived " to take strong measures [*sévir*] against this spirit of Jacobinism," and he requested the chancellor to join with Austria

in common action against the court of Weimar.[1] In the first moment of panic he even desired the immediate recall from Jena of all the Austrian students at that university. In the *Oesterreichische Beobachter* Gentz published a number of savage articles upon the Wartburg festival, an artful compost of perspicuity and folly. Only with trembling, he declared, could a father to-day see his son depart to the university. Such plaints of nervous anxiety were succeeded by a masterly refutation (based upon an extraordinary wealth of knowledge) of the vainglorious students' fables concerning the wonderful deeds of the volunteers.

In Berlin, the king was much more concerned than were his ministers. Frederick William himself had never been a student, and therefore had no personal experience of the rough humours of student life, so that he was disgusted by the noisy and boastful activity of the young men. In the previous spring he had taken action against the Teutonia of Halle when Carl Immermann had begged him for protection against the terrorism of the Burschenschaft, and he now had inquiries made at all the Prussian universities as to who had participated in the Wartburg festival. The Burschen of Königsberg were commended because they had held aloof; on December 7th strict commands were issued to the minister of education that all students' associations should immediately be suppressed and membership therein prohibited on pain of expulsion, while the practices of the gymnasts were to be closely supervised. "I shall not hesitate for a moment," wrote the king, "to abolish any university in which the spirit of undiscipline proves ineradicable."[2]

Altenstein fulfilled his orders with benevolent caution. He had not lost confidence in the good sentiments of the students; he praised the unaffrighted conduct of the grand duke of Weimar; and held firmly to the hope "that just as the Prussian universities surpass all the others of Germany in their purposive and free-handed equipment, so also may they continue to excel by giving oexmple of an activity which, while vigorous, remains directed ta right ends."[3] Hardenberg, on the other hand, eagerly endorsed the king's views. It was not that he altogether shared the monarch's anxieties, but the young demagogues' speeches threatened to destroy his most cherished plans. The completion of the constitution remained the ultimate goal of his policy, and this

[1] Krusemark's Reports, November 12 and 22, 1817.
[2] Cabinet Order to Altenstein, December 7, 1817.
[3] Altenstein to Hardenberg, November 30, 1817; August 25, 1818.

work could never be brought to a successful issue if a spirit of suspicion were to become firmly established in the king's mind. Hence he considered that all manifestations of demagogic sentiments must forthwith be stifled once and for all. Schleiermacher's lectures *Concerning the Doctrine of the State*, though purely scientific in character and utterly devoid of party feeling, had recently, through the instrumentality of some scandalmonger, been made an object of suspicion at court, and had led the king to give vent to a few bitter observations; Hardenberg lacked courage to open the monarch's eyes by a straightforward word; instructed the minister of education to forbid the continuance of these lectures "which, without being of any real utility, serve merely to sow dissension"; and cancelled his order only because even Wittgenstein considered it injudicious.[1] In the like arbitrary spirit did the chancellor accept Metternich's proposals. Since he was intending to pay an immediate visit to the Rhenish provinces, he determined to travel by way of Weimar, and there, supported by the Austrian envoy Count Zichy, to have a word with the grand duke, and to hand to him monitory letters from the emperor and the king.

Amid the general excitement, Charles Augustus alone remained serene and equable; in youth he himself had long luxuriated in the effervescent spirits of the student, and did not esteem the Burschen's boasting more seriously than it deserved. The *Deutsche Burschenzeitung* which had been announced on the Wartburg was prohibited; a few other newspapers were admonished; while a criminal prosecution was instituted against Oken, which ended in an acquittal because in the indictment he was foolishly accused of high treason—the article in the *Isis* had afforded ample ground for a prosecution for libel. A prosecution initiated against Fries was discontinued as objectless, and it was considered sufficient to administer a reprimand on account of his tactless speech. For the rest, the Jena students were left unmolested. On November 26th, through his chargé d'affaires in Berlin, Charles Augustus assured the Prussian government: "The present excitement is general, and is a natural consequence of events; it may be allayed by confidence and courage, but suspicion and forcible measures would throw Germany into confusion."[2] He encountered the emissaries of the two great powers

[1] Hardenberg to Altenstein and Wittgenstein, December 7th; Rother to Hardenberg, December 15, 1817.

[2] Edling's Instruction to Müller, chargé d'affaires, November 26, 1817.

with his customary cheerful candour, and promised to co-operate in establishing a federal press-law At the grand duke's request, Zichy now paid a visit to Jena, accompanied by Edling, in order to examine this nidus of revolt close at hand, and since nothing remarkable occurred the two great powers temporarily abstained from further steps. But suspicion remained alive, and King Frederick William expressed his disapproval in the strongest possible terms when, in the following summer, Massmann was appointed gymnastic teacher at Breslau. The French government, which had long been rendered uneasy by the intrigues of the prince of Orange and of the refugees in Belgium, also made serious representations to the court of Weimar. Czar Alexander, the protagonist of Christian liberalism, refused to sound the alarm in the ears of the Germanic Federation, as Metternich wished him to do, but was nevertheless unable wholly to master his secret fears, and in an autograph letter he urged the grand duke to take stringent measures against the press.[1] The dread of an approaching revolution grew ever stronger, and since the foreign powers were all conscious of their sins against Germany they regarded this peaceful land, in which, after all, the traces of an uneasy movement were still few and far between, as the natural centre of the European revolutionary party.

The fears of the cabinets had an extremely unfavourable influence upon the students' mood, for now that all the great powers of the continent were up in arms against them, the Burschen considered that they had become central figures in history. The democratic ideas which had hitherto slumbered beneath the cloak of the Christo-Germanic fantasies now came impudently into the open, and together with Körner's songs there was often sung the *Marseillaise* as Germanised by old Voss :

> We come, we come ! Quake, hireling-swarm,
> And take to flight or die !

No one asked to what nation this " hireling-swarm " of Rouget de Lisle had belonged ! The revolutionary party of the " Old Germans " became by degrees sharply distinguished from the innocent masses of the Burschen. While these latter, weary of the eternal political discussions, made for themselves a merry beer-kingdom in Lichtenhain, the " quiet republican statesmen "

[1] Altenstein to Hardenberg, August 18th and September 15th ; Report of the Badenese envoy General von Stockhorn, Berlin, February 7, 1818.

(as Arnold Ruge termed them) held formal session in their republic of Ziegenhain, discussing in emotional orations whether the unity of Germany could be more effectively secured by the assassination or by the peaceful mediatisation of the princes. A new song *Thirty, or Three and Thirty, it matters little!* referred very plainly to the former method, but there still were to be found a few of gentler nature who desired to grant the king of Prussia a retiring allowance of three hundred thalers *per annum*. Folly began to break all bounds, and the blameless Fries had frequent occasion to learn how the forms of intercourse practised by the gymnasts were developing. He associated with his young friends upon terms which permitted them to address him in the second person singular and had therefore no reason to feel surprised when one of his students wrote to him as follows: "I feel that in future I shall not be writing to Councillor Fries, but to thee, my old friend Fries, whilst thou repliest to thy faithful pupil D. Now look here, thou fine old fellow, we are young people, and we are having a better time of it than didst thou in thy youth."

Shortly after the Wartburg festival, an odious literary quarrel came to add fuel to the flames. To the students, Kotzebue had long been a thorn in the side; they detested the insipid lasciviousness of his plays and dreaded him as a skilled opponent. In the *Literarische Wochenblatt*, which enjoyed the special favour of Metternich, he advocated the views of enlightened absolutism, sang the praises of Russia with servile flattery, and attacked the idealism of the students (as he attacked everything which surpassed the limits of his own sordid understanding) with so much malice and venom that even Goethe wished him joy of the fire-assize on the Wartburg, exclaiming:

> Too long, too long, for mean ends fighting,
> And with base scorn of high things writing,
> Of thine own folk a mock hast made,
> At hands of youth art well repaid.

But the old rascal still possessed his impudent wit and his nimble pen. He uttered many an apt word regarding the intolerable presumption of the students; he had a sharp eye for their ill-breeding; and when, in his amusing *Commendation of the Asses' Heads*, he joined issue with the *Isis*, he was left victor on the field, for the dull and inflated young men were incapable of meeting him with his own weapons. Kotzebue lived in Weimar as

secretary to the Russian legation, and his tenure of this diplomatic post aroused offence, for he was a native of Weimar, he owed his literary repute to the Germans alone, and in his *Wochenblatt* wrote freely about the affairs of the fatherland as a German. But who could expect from such a man the fine feelings of national pride? It was an open secret that throughout Germany there lived secret agents of the St. Petersburg police. When Faber, the Russian councillor of state, visited Rhineland, Count Solms-Laubach considered it advisable to have him shadowed by the trusty Bärsch. The Russian cabinet owed its knowledge of European affairs chiefly to the reports which Russians of quality living in the west were accustomed to send to the court. Kotzebue also sent occasional reports to St. Petersburg, but he could by no means be numbered among the dangerous spies, for his bulletins consisted exclusively of critical surveys dealing with the most recent manifestations in German literature.

One day Kotzebue's secretary, who lived in the same house with Lindner, the editor of the *Oppositionsblatt*, came to the latter and innocently requested his assistance in deciphering certain passages in a report written by Kotzebue in French. Lindner immediately recognised the nature of the document, asked to be allowed to keep it for an hour, copied the most important passages, and did not feel it dishonourable to communicate forthwith to Luden the bulletin thus purloined. It contained nothing more than a few extracts from the *Nemesis* and similar writings (extracts which, though casual and inexact, gave the sense correctly enough), together with some far from flattering criticisms of Luden's authorship, such as might naturally be expected from a political opponent—the men of Jena were certainly accustomed to treat their enemies far more roughly. Luden, who was not lacking in worldly wisdom, eagerly seized the opportunity of exposing a dreaded opponent and at the same time clearing himself from the suspicion of demagogic sentiments. He had the stolen document printed; endeavoured by paltry and not altogether straightforward quibbling to prove that Kotzebue had falsified the innocent words of the *Nemesis;* and branded him as a calumniator. All along the line the liberal press now advanced to the attack upon the "Russian spy," who after all had not spied out any secret, but had merely handed on publicly printed writings. Blow succeeded blow; a furious dispute began, creditable to neither side. The courts intervened, condemning both parties; Lindner was exiled, and went to Alsace, where,

bewitched by the doctrines of the French, he speedily became a liberalising Rhenish Confederate. The students, however, had at length discovered in Kotzebue a target for the aimless but fierce hatred with which their hearts were filled. The sensuous old fellow in Weimar seemed to them a pattern of all the infamies, the evil genius of the fatherland, and the Burschen sang in threatening tones :

> Still bays the friend of Kamptz and Schmalz,
> Beel- and Kotzebue.

Such was the ferment in the minds of the young, while the nation continued with childish curiosity to discuss every act of folly on the part of the students. In the summer of 1818, as the sequel to a dispute with the bourgeoisie quite devoid of political bearing, the students of Göttingen marched out of the town of the muses, declaring the Georgia Augusta university to be taboo, and caroused for a few days in Witzenhausen, taking the opportunity of drinking destruction to the defunct institution. Such an exodus might perhaps in old days sometimes endanger the existence of a university ; but now, when every one of the federal states demanded of its officials and clergy that they should have attended the territorial university, it was merely something to laugh at. None the less, even this child's play called into existence a sheaf of pamphlets. Councillor Dabelow, the distinguished organiser of the *Empire Anhaltin-Cœthien*, who had been among those to experience the tender mercies of the fire-assize of the Wartburg, implored the exalted governments to take serious measures against the young traitors. As it happened, this able jurist shortly afterwards received a call to Dorpat, and now it seemed to the students clearly proved that the czar had surrounded them with spies. Another author devoted a whole book to the description of the affair of the Göttingen exodus, adorning his work with pictures of the students in the council of the taboo —sinister figures which seemed to have come straight out of the Bohemian forest from the band of Robber Moor. Soon afterwards the students of Tübingen fought the battle of Lustnau, a struggle round a village-tavern of which the poets of the Swabian university still sing to-day ; next the Heidelberg Burschen were seized with the spirit of unrest, and stormed the beerhouse of the Great Tun. All these trifles were ceremoniously described throughout the German press. Alike at the courts and among

the people, the student acquired an incredible prestige, being here honoured as a born tribune, there regarded with suspicion as a professional conspirator, while Count de Serre, the French minister of state, wrote to his friend Niebuhr, " I am sorry for your statesmen, they wage war with students ! "

The stout-hearted Charles Augustus alone retained undisturbed his high-spirited confidence. In July, 1818, the Jena students, led by Heinrich von Gagern, held a torchlight procession in honour of the birth of the duke's grandson. He gave them a banquet in the court-yard of the palace, appeared on the balcony in a mood of youthful cheerfulness, and long continued to watch the lively proceedings, beaming with delight. Then, in accordance with the patriarchal custom of the Ernestines, inviting to the prince's christening all the corporations of the country, he included in the invitation three representatives of the Burschenschaft ; as the Hofburg learned with intense anger, these dangerous fellows were actually summoned to the festive board, and were manifestly treated with distinction by the inquisitive maids-of-honour. Charles Augustus had been tried in the balance and found wanting, and in Metternich's circle he was henceforward spoken of only as the " Old Bursche."

Meanwhile the seed scattered on the Wartburg began to spring up. Burschenschafts after the Jena model were formed at fourteen universities. Delegates from these met at Jena in October, 1818, and upon the anniversary of the Wartburg festival the *Allgemeine Deutsche Burschenschaft* [Universal German Burschenschaft] was founded, as a free association of all German students, " established upon the relationship of the German youth to the coming unity of the German fatherland." A general Burschenschaft of delegates from every university was to assemble annually in the " moon of victory." The organic statutes describing the aims of the association were quite unobjectionable, demanding unity, liberty, and equality of all Burschen, and the Christo-Germanic development of all their energies in the service of the fatherland. The only alarming feature was the terrorist spirit which desired to enforce membership upon all students, which declared other associations to be " taboo without further consideration," and which was yet unable to achieve the impossible, for at all the universities except Jena some of the Landsmannschafts continued to exist in addition to the Burschenschaft. To particularism, and to its leader, the court of Vienna, it was natural that the very existence of this " youths' federal state,"

as Fries termed it, should seem extremely dangerous, since here for the first time in the forcibly disintegrated nation was constituted a corporation embracing the whole of Germany. So new was the phenomenon that even Goethe anxiously asked whether a guild could be tolerated extending throughout Germany but not subordinated to the Bundestag.

Whilst the Burschenschaft was thus spreading more and more widely, its internal strength and unity were already being impaired by a confused segregation into factions. A generation inspired with enthusiasm for Schiller's sentimental love of liberty was from the first inclined to be receptive for the ideas of Rousseau, and it was inevitable that after several years had been passed in continuous and lively political discussion the demagogic party should ultimately gain ground. The university of Giessen was the centre of the academic revolutionary spirit. Here in the west the doctrines of the French Revolution had long before taken firm root; the arbitrariness of the Bonapartist officialdom in Darmstadt and Nassau had made the young people bitter, and when the hour of liberation at length struck for these territories as well, through an unkindly fate it happened that the students at Giessen, who flocked to the colours, hardly ever came face to face with the enemy. In exhausting marches they learned only the prose of war, and had no experience of its inspiriting joys; they had much to suffer from the roughness of their Rhenish Confederate officers who did not know how to get on with men of education in the rank and file; and they returned home in low spirits, loathing the "hireling system," and with no inkling of the loyal monarchical sentiments of the Prussian army, with which they had never come into contact. They swore that Germany had waged the war solely on account of the constitution, and that all the blood had been shed in vain.

Peculiar to the student leagues of Giessen was a secret intercourse with men of riper years, which in Jena was happily unknown. At the time of the war several secret societies against the foreign dominion had been constituted in the region of the Lahn, but had never effected anything in particular. In 1814, in accordance with a plan drawn up by Arndt, a German Association was formed in Idstein, and the neighbourhood; in the following year the legal councillor C. Hoffmann, of Rödelheim, founded a league which was in touch with Justus Gruner, and which favoured Prussian hegemony.[1] Some of the members of these

[1] See vol. II., pp. 458, 459.

associations speedily abandoned their Teutonising ideals in favour of cosmopolitan revolutionary notions, and carried on secret correspondence with the Burschen of Giessen. Among the advanced revolutionaries were the brothers Ludwig, two of the leaders of the Nassau opposition, Wilhelm Snell, and above all Weidig, vice-master at Butzbach, an eloquent apostle of equality, in whose eyes every government was sinful because God's word prescribed the complete equality of all mankind. The influence of these men and the stifling atmosphere of a thoroughly unhealthy state-system soon produced an extraordinarily fanatical tone in the student life of Giessen. An association of "Blacks" came into existence, and endeavoured to enforce its revolutionary new code, the *Ehrenspiegel* [code of honour], upon all the other students; the Landsmannschafts, on the other hand, played the part of representatives of particularism, sported the Hessian cockade, and by means of a denunciation secured the dissolution of the Blacks' organisation. But the more zealous members of the suppressed league continued their work in secret.

Their leaders were the brothers Follen, Adolf, Carl, and Paul, three handsome young men of great stature, full of life and fire, ardent republicans all, sons of a Giessen official; they had one sister, who subsequently became the mother of Carl Vogt. Adolf Follen was distinguished by a fine lyrical talent, which he corrupted by the unnatural emotionalism of his declamatory revolutionary phraseology; it was to him and to his friend Sartorius that the gymnasts owed their most savage and impudent songs. A more notable man was his brother Carl, a fanatical adherent of the principles of harsh reason, essentially a barren intelligence, but possessing rare dialectic penetration, a man of prematurely ripe character, entirely self-satisfied, one who after the manner of revolutionary prophets knew how to assume the appearance of elemental profundity, impressing many of his young associates as if he had been the Old Man of the Mountain. He was already a demonstrator of law, and charmed the students by that pose of absolute certainty which by inexperienced youth is so readily accepted as a mark of genius; every one of his words was measured, and not one was ever withdrawn; with remorseless logic he deduced his conclusions from the premise of the unconditional equality of all, shrinking from no possible consequence. The enigmatical mixture of coldness and fanaticism in his nature, together with the meticulous neatness of his aspect and his minatory expression, recalled Robespierre; but Follen was no hypocrite, and really

practised the austere moral code which he preached. Carl Follen had nothing but a smile for the innocent imperial dreams of the Burschen of Tubingen and Jena, who loved to imagine the crown of the Hohenstaufen on the head of their William or of their Charles Augustus; moreover, he regarded their Gallophobia and their Teutonomania as childish, although he carefully refrained from parading his own cosmopolitan views, since to do this would have deprived him of all influence. In a word, he was a Jacobin, and it is probable that as early as the year 1818 (as the Burschen of Jena suspected), and unquestionable that from 1820 onwards, he was in confidential correspondence with the revolutionary secret societies which, spread all over France, were controlled by Lafayette's *comité directeur*. His leading principle was that no one owed obedience to any law to whose authority he had not himself voluntarily submitted, and that therefore, in accordance with the old Rousseauist fallacy, the rule of the majority was alone justified. "Every citizen is chief of the state, for the just state is a perfect sphere in which neither top nor bottom exists because every point can be and is the summit."

Thus it was that the proposal for a centralised German constitution, drafted by Adolf Follen, emended by his brother Carl, and laid before the Jena Burschentag in the autumn of 1818, contained, apart from a few Teutonising phrases, nothing beyond a free imitation of the fundamental law of the French republic. All Germans were to possess absolutely equal rights; legislation was to be effected by the equal suffrage of all, the majority to decide; the one and indivisible realm was to be administered in departments containing an equal number of inhabitants, and named after rivers and mountains; all officials were to be equally paid, and must swear fealty to the popular representatives; there was to be one Christo-German church, and no other creed was to be tolerated. The schools were to be solely in the rural districts, and especially designed for instruction in agriculture and handicrafts; at the head of all was to be an elected king with a Reichsrat. It read just as if the whole thing had been penned by Saint-Just. Far more destructive to the students than were these radical doctrines was the influence of that base ethical system which Carl Follen advocated with all the prophet's inspiration, a preposterous morality which was even more shameful than the teachings of Mariana and Suarez. The Jesuits, at any rate, had allowed that the authority of the church was supreme, but Follen, with facile logic, starting from the cult of personal "conviction" which

flourished among the students, developed a system of crude subjectivism which simply denied any objective rule to human life. It was bluntly declared that for the righteous man no law was of account. What the reason recognises as true must be realised by the moral will, at once, unconditionally, uncompromisingly, even to the point of annihilating all those who hold different opinions; there cannot be any talk of a conflict of duties, for the realisation of the reason is a moral necessity. This proposition was known simply as "the principle," and it was on its account that Follen's confidants termed themselves the "Unconditionals." To the members of this sect it seemed that anything was permissible for the sake of popular freedom—lying, murder, or any other crime—for no one had the right to withhold freedom from the people.

Thus did the evangel of the overthrow of all moral and political order make its first appearance in Germany, that terrible theory which, under many different cloaks, was ever and again to disturb the century, and which was finally to receive its extremest development in the doctrine of the Russian nihilists. But Follen draped his nihilism in a Christian mantle: Jesus, the martyr of conviction, was the Unconditionals' hero; their association-song declared "A Christ shalt thou become!" Just as impudently were misused the names of the Prussian heroes, and especially of Scharnhorst and Gneisenau, by some from naive ignorance, but by Follen from calculation, for the innocent Burschen were to believe that Germany's warriors had fought for democracy. A widely sung lay by Buri, *Scharnhorst's Prayer*, was adorned by the brothers Follen with revolutionary phrases, and was printed under the false title *Kosciuszko's Prayer*. In this the general was made to swear:

> I shrink not back, and if need be through fierce and bloody fights
> Will men's great cause defend, the city free of equal rights!

Carl Follen himself also hammered out verses, although his harsh nature utterly lacked poetic gifts; and the incredible bombast, the savage and bloodthirsty rhetoric of his poems, found many admirers among the students. His master-work was *The Great Song;* it was widely circulated by Weidig and Sand, but its leading passages were not fully comprehensible except to initiates. It opened with an appeal, "The Youth of Germany to the Masses of Germany."

Human mass, of life's best things still cheated,
Which in vain the soul's spring yet hath greeted,
Break to pieces, ancient ice-domain!
Sink them deep in strong and proud sea-eddies,
Slave and tyrant, whose unceasing dread is
Free-state which shall glow with life again!
Babel's realm of foul and venal nations
Spues forth equal rights and freedoms, fashions
Godhood out of human labour-pain.

There follows an impudent street-ballad whose refrain "Brothers, not thus shall it happen! People, to arms!" continued for many years to resound at all mob-assemblies in Central Germany. Next came a communion hymn of free brethren, describing "the holy order of the martyrs of eternal freedom," its members swearing upon the host as they grasped their unsheathed daggers, "The equality of all citizens, the will of the people, is alone autocrat by God's grace." They apostrophise the nation, saying:

People, seize Moloch's crew, and strangle all!

Still more definite is the New Year's hymn of free Christians, set to a quick and lively air, which serves to reinforce the insolent meaning of the words:

The dagger of freedom is ready in the hand!
Hurrah! Strike it home through the throat!
Clad in purple vesture,
Adorned with crowns and garlands,
The victim stands ready by the altar of vengeance!

In this strain the poem continues, becoming ever more senseless, ever wilder, until the concluding verse:

Down with forced labour; down with crowns, thrones, drones, and barons!
Charge!

Among the hundreds of young men who sang these raging verses, few doubtless gave much thought to the words, but the poet himself was thoroughly in earnest. He had already conceived a plan which he repeatedly discussed with the Unconditionals. Since a revolution was for the moment impossible, it was necessary to assassinate a few traitors in order to terrify and at the same time to stimulate the fainthearted populace. He himself

would take no part in these preparatory deeds, refraining, not from fear, but because he proposed to act as leader in the general popular uprising. Without respite he pursued an agitation among the people. In the petition that article 13 should be carried into effect, in all the addresses and meetings urging the grand duke of Hesse to fulfil the promise of a constitution, Follen's hand was at work. For him, the red republican, these measures could be nothing more than means for greater ends. Schulz, his right-hand man of Darmstadt, in a *Question and Answer Booklet*, openly preached revolution to the Hessian peasants.

For a long time the Jena students refrained from sharing the demagogic attitude of the men of Giessen; and they also rejected Follen's plan for a centralised constitution, although this proposal was favoured by a considerable minority. But by degrees the revolutionary doctrines of the Blacks made their way to the banks of the Saale, chiefly through the instrumentality of Robert Wesselhöft, a rough and vigorous Thuringian of autocratic temperament. Quite without the knowledge of the bulk of the Burschen, he formed within the ranks of the Old Germans a secret society of Unconditionals, composed of men who looked down with contempt upon the blameless masses of the Burschenschaft, and who kept up secret communication by trusty messengers with those of their own way of thinking at other universities. To this group belonged Jens Uwe Lornsen, an unruly berserk northlander from the Frisian isles, widely known at a later date as an advocate of the rights of Schleswig-Holstein. Another member of the group was Heinrich Leo from the Schwarzburg region, small and girlishly beautiful, a born romanticist who amid his native forests had acquired a glowing enthusiasm for the rude and natural life of the primitive Teutons, and a profound hatred for the rigid formalism of classical culture; it was only through the untamable wildness of his hot blood that for a brief period he was impelled to take part in a modern revolutionary movement which was utterly foreign to his temperament.

The tone of these Blacks was indescribably impudent; they were absolutely convinced that it was their mission to initiate and direct the emanicipation of the enslaved peoples. A Bavarian wit, masquerading as an enthusiastic disciple of Fries, had recently published an open letter in which he classified the entire human race as Burschen, she-Burschen, teachers-of-Burschen, those-destined-to-become-Burschen, and those-who-had-been-Burschen. The satire was so aptly conceived that many of the Burschen

themselves took the letter at its face value, and the same mistake has been made by not a few historians of to-day. For a long time now the Blacks had not been satisfied with such manifestations of foolish impertinence as that of Lornsen, who in the presence of the young duke of Meiningen gave vent to three groans for the thirty or three and thirty. With sinister composure, they daily discussed who should first be "corpsed" in the cause of freedom. Since Metternich was out of reach and not one of the German princes was regarded with especial hatred, the wild talk returned ever to Kotzebue as the first victim. In the autumn of 1818, when it was expected that Czar Alexander was about to pass through Jena, the leaders of the Unconditionals held a secret conclave to consider whether the time had now come to strike a blow against the despot; anyone whose response to this inquiry showed him to be untrustworthy was henceforward tacitly excluded from the counsels of the initiates. The czar meanwhile had passed on his way without visiting the town, and it was subsequently contended that the leaders of the Blacks were aware of the fact. This may be true, but what had happened to our youth when approval of the cowardly practice of political assassination, one so repulsive to the German sense of uprightness, had come to be regarded as the touchstone of sound sentiments?

The young peoples' excitement was increased by the alarm of the official newspapers, and unfortunately also by many indiscreet utterances on the part of their teachers. In his lectures, as previously in his *Politics*, Luden advanced the incontestable proposition that the power and the liberty of the state are priceless moral goods, and that on occasion, therefore, other moral goods must be sacrificed to these; but his intellectual force was not great enough to impress clearly upon the students' minds the profound significance of a doctrine which may so readily be misapplied, and many of his greatly moved audience simply acquired the impression, as did Carl Sand, that the end justifies the means. Fries, too, was in a state of hopeless perplexity in face of the awakening of demagogy, and his expressions of opinion were often confused. Conscientiously warning the students against secret societies, he endeavoured to gild the pill by the use of revolutionary phraseology, and inveighed in such rough terms against the police authority which insisted on "binding to hop-poles the oaks and pines of the German forests," that his words proved exciting rather than calmative. In a confession of faith for young people he said: "I regard as sacred the demand for a new Ger-

man law and for a vigorous republican system that will secure the unity of Germany. I detest the way in which we are ruled by highly well-born French apes, and in which we are instructed by well-born Latin apes. I loathe the oppression of the people by standing armies, by the salaries paid to the stupid and haughty idlers who act as officers. The people is the army, and the people is master." Even the free spirit of Arndt was not uninfluenced by the bitterness of the epoch. The fourth volume of his *Spirit of the Age*, published in the year 1818, was greatly inferior to the earlier volumes; the fine emotion of the wars of liberation was no longer adequate. The pride of the students was necessarily strengthened when Arndt depicted for them the Seven Years' War as an empty tale, and described the works of our classical poetry as petty and spiritless, as the offspring of a formless age, lacking love and lacking glory. He innocently suggested that secret conspiracies were permissible only "if a foreign nation or a malicious tyrant were endeavouring to brutalise the entire generation to the level of dogs, monkeys, and snakes," and had no idea that his young readers had long before come to consider that they themselves were ruled by such malicious tyrants. The French and the Poles, he exclaimed, have a constitution, "while our rulers wish to have us lying at their mercy as if we had no more life in us than a lot of wooden posts"; while for the Prussian army he held up as an example the loose militia organisation of the Swedish army, based on what was known as the *Indelningsverk*, which in the last war had done nothing at all. Amid such thoughtless words of incitement, the patriotic warnings which the good man directed against "the callow and presumptuous folly of the Germans" were completely forgotten. Among the professors, anger concerning the disillusionments of these first years of peace, gradually increased to an inflammatory degree. In the summer of 1818, even Schleiermacher discoursed as if a new 1806 was approaching—and this at a time when, apart from a few isolated blunders, the Prussian government had not as yet done anything open to reasonable criticism.

In the autumn of 1818, Carl Follen removed to Jena as demonstrator. He was the grave-digger of the Burschenschaft, the destroyer of the frank youthful sentiment which had prevailed in its inception. Vainly did Fries endeavour to hold his own with the sinister man; in the oratorical struggles of the Philosophical Club, the young demonstrator showed himself far in advance of the professor, and the students withdrew more and more from

the side of the moderate elder. It is true that the number of Follen's immediate intimates remained very small, for the young men's healthy feelings made it impossible for them entirely to overcome their horror of the apostle of assassination; his principal disciples were his blind and devoted slave Carl Sand, and Wit von Dörring, a dissolute adventurer, who subsequently became a traitor. But the corrupting influence of his doctrines extended far beyond this narrow circle. Louder and louder became the talk of "cutting off the tyrants' heads." During the winter, by an odious fraud (since everything was permissible to the Unconditionals), the Blacks and their faithful followers got control of the committee of the Burschenschaft; then a secret society was formed whose sworn members were, like the carbonari, divided into lodges, and were in part unknown even to one another. Since the outspoken Teuton has no talent for the conspirators' secret arts, such societies could never rise above the level of a foolish masquerade; and yet the matter was not devoid of grave significance when so many isolated young men played rudely and boastfully with the thought of political crime, and were actually receiving from Follen the definite instruction that whoever wished to sacrifice himself for the cause must do the liberating deed without confederates. When one of the older Blacks, Wilhelm Snell, was at this time dismissed his post, his Hessian comrades issued to the Unconditionals an appeal for the support of their friend "so that the brood may learn to tremble before the higher power which will swing the sword of vengeance as strongly as now it swings the shield of defence, as soon as sin awakens the day of wrath."

At a later date, men who had once been members of the Blacks' organisation considered that much mischief might have been avoided if Follen and one or two of his older associates had been expelled from Germany in good time. But the governments had no detailed information regarding these restless activities, and contemplated them with timid concern. The handful of demagogues continued its evil work, until the day was to dawn in which the seed of criminal words which had been so widely scattered was to be harvested, and in which an unhappy wretch, dagger in hand, was to realise the doctrine of political assassination.

CHAPTER VIII.

THÈ CONGRESS OF AIX-LA-CHAPELLE.

§ I. INCREASING POWER OF THE AUSTRIAN COURT.

In their treaty of alliance of November 20, 1815, the four powers had agreed that from time to time they would, in personal interviews, take measures to secure the peace of Europe; and as early as the spring of 1817 it seemed to the court of Vienna that the right moment had arrived for such joint deliberation. King Frederick William opposed the idea. He foresaw that a formal assembly of the Quadruple Alliance would cause lively agitation, at once in all the courts which did not participate in the conference, and also in the suspicious mind of the general public. How much simpler it would be if he and Emperor Francis were to make their long-promised visit to St. Petersburg, and there, without attracting any attention, to discuss with the czar all that was necessary.[1] Metternich, however, held fast to his own opinion. Czar Alexander took the same view, and meanwhile in France a change of opinion took place which certainly rendered desirable a new understanding among the four powers.

That which the statesmen of Prussia had prophesied at the congress of Paris was now being fulfilled. The occupation of France by the troops of the allies was more and more displaying itself as a danger to that peace of Europe which the occupation had been intended to safeguard. It is true that the army of occupation had already been diminished by one-fifth; the conduct of the troops was in perfect correspondence with the upright good feeling which the four powers cherished for the re-established dynasty; the Prussians at Bar-le-Duc and Sedan could live with their billet-hosts like children at home. When the commander of the Prussian guard, General

[1] Cabinet Councillor Albrecht to Hardenberg, May 13, 1817.

Zieten, complained regarding the dilatory provisioning of the fortresses, Hardenberg urgently exhorted him to display forbearance, saying that any dispute between the allies and the French authorities would redound to the advantage of the ultras, and might easily endanger the stability of the French government.[1] None the less, the presence of foreign flags upon their native soil remained a grievous affront to French pride. All parties of the opposition clamoured against this monarchy which supported itself with foreign bayonets; even the ultras no longer recalled in what moving terms in the year 1815 they had addressed the allied monarchs, saying, "You surely will not leave the king alone in the hands of these assassins?"—and they rivalled the other parties in fierce complaints against the dominion of the foreigner.

Without the liberation of French soil, it was impossible for Richelieu to carry through the policy of reconciliation which he had initiated with so much prudence and self-denial; he desired to do his country this last service, and then, weary of the interminable party strife, to retire. Again and again he assailed the ambassadors' conference of the four powers with his plaints, reminding them that in the treaty of Paris the conquerors had themselves reserved the possibility of shortening the period of occupation should France remain quiet. In November, 1817, he went a step further, and at the reopening of the Chambers announced that negotiations had already been commenced for the evacuation of French territory. All parties alike received the news with a storm of patriotic delight, and everyone felt that if Richelieu proved unable to satisfy the expectations he had awakened, the moderate government, whose persistence the four powers desired no less keenly than King Louis himself, would be irrecoverably ruined. In the conference of ambassadors, the requests of Richelieu at first found a hearing only from Pozzo di Borgo. The Corsican still remained the confidential adviser of the Bourbons, and had so thoroughly readopted the views of his native land that now for the second time there were serious thoughts of offering him a post in the French ministry. He found it far from difficult to win the czar over to his views, the czar who was so fond of playing the part of magnanimous protector of France. Regardless of his allies, Alexander allowed encouraging assurances to be given to Paris; and Metternich, who at first was

[1] Hardenberg to Zieten, March 22, 1816.

far from desiring a shortening of the period of occupation, came to consider, in the spring of 1818, that all resistance to the withdrawal would be fruitless. On April 9th he assured the Prussian ambassador that in view of the speeches in the Chamber, and in view of Alexander's conduct, he considered, with grave forebodings, that a premature evacuation would, after all, take place.[1]

The aspect of internal affairs in France could hardly compose the mind of the timid statesman. Although the regime of the ultras was at length at an end, party struggles were still carried on with the old measureless fierceness, and as yet no more than a small minority of the French honourably recognised the legitimate foundation of the new constitutional monarchy. "As for you," said a hotspur of the ultras, Matthieu de Montmorency, to one of the liberals, "you love legitimacy as much as we love the *Charte!*" Count Artois fought with all possible weapons against the circumspect policy of his royal brother. In May, 1818, Vitrolles, one of the confidants of the Pavillon Marsan, sent a third secret memorial to the four powers imploring them to avert revolution by the overthrow of the Richelieu ministry. Filled with blind hatred against the moderate government, the ultras did not hesitate on occasion to combine even with the Bonapartists and with the Revolutionaries. Nor could the cabinet secure any support from the middle party of the doctrinaires, notwithstanding the fact that these had inscribed upon their banner the reconciliation of hereditary right and liberty. According to the infallible theory of the successors of Montesquieu, mistrust of the government was to be the vitalising force of every free state, and nothing seemed more disgraceful than the name of "ministerial party." Among the people sinister reports were current regarding the proposed re-establishment of guilds, tithes, and the corvée. The purchasers of the national domains did not feel secure in their possessions, for the *émigrés* were stormily demanding the return of their family estates, and nothing had as yet been determined regarding compensation. There also had to be considered the subterranean activities of the secret societies, and the daily increasing charm of the Napoleonic legend. In rapid succession, three of the faithful returned from St. Helena: O'Meara, Las Cases, and Gourgaud. Las Cases lived for a considerable period in

[1] Krusemark's Report, April 9, 1818.

Germany, and began an equivocal commerce with the Beauharnais, a fact patent to all—except the Bonapartist police of Munich. There then appeared the first volume of that literature of memoirs which was to pave the way for the return of Napoleon, a compost of colossal lies as gigantic as the man to whom they related. With horror France learned the terrible stories of the nameless woes of the prisoner, who, in reality, lacked nothing but his liberty; of the devilish cruelty of his custodian, Governor Hudson Lowe, a man who in truth merely fulfilled his military duties honourably, if somewhat over-punctiliously.

Now that industry and commerce were reviving, the sacrifices and miseries of the war-time were speedily forgotten. The sight of foreign bayonets recalled memories of the glories of the imperial eagles. When contrasted with the insane ostentation of the returned ancient nobility, the figure of the crowned plebeian seemed that of a democratic hero, and now people learned, from the record of his touching conversations in the rocky islet, how ardently he loved his France, and how it had been his desire to give the nation its freedom had it not been for the enmity of wicked neighbours, who again and again forced the peaceful-minded man to take the sword in his hand. Meanwhile Béranger had disseminated his ardent imperialist songs among the populace, and what he had prophesied happened: in the huts of the peasantry no other history than the Napoleonic was known, and to the masses of the nation in northern and central France, Napoleon became the only hero of the century. In the states of the Confederation of the Rhine as well, the Napoleonic cult, which had so recently passed into abeyance, was revived. In every tavern of the German south were to be seen pictures of the Napoleonic battles, and on more than one occasion the envoy of King Louis had to complain to the court of Munich because pictures and statuettes of the soldier-emperor had by an unknown hand been distributed among the soldiers of the Bavarian army.

Thus it came to pass that the best and most beneficent government which France had known since the Revolution, was threatened from every side. The four powers, which, down to the year 1817, had dreaded above all the party rage of the ultra-royalists, now began to regard the secret intrigues of the revolutionaries and the war fever of the Bonapartists as

the most dangerous enemies of the Bourbon throne. In actual fact, the appeal for "revenge for Waterloo" was already heard. In the same moment in which the French Chambers were demanding from the allies the evacuation of the country, they approved the new Army Law, and compelled the minister of war to increase the army of the line by 50,000 men more than he had himself demanded, making its total strength 240,000. In addition, a great number of officers of the Empire were reinstated, and a strong reserve army was formed, consisting almost exclusively of Napoleonic veterans. It will readily be understood that all these proceedings were regarded in the Prussian army as precursors of an approaching Third Punic War. Gneisenau, in especial, was, and remained, of the opinion that only the complete dismissal of the Bonapartist army would serve, to some extent, to safeguard the new order of affairs.[1]

Neither in London, nor in Vienna, nor in Berlin, did any illusions prevail as to the weakness of the Bourbon regime. Indeed, its overthrow was anticipated even earlier than this actually took place. The reports of Wellington, commander-in-chief in France, were almost hopeless in tone. Nevertheless, everyone recognised that the prestige of the legitimate dynasty could not but be further endangered by the presence of foreign troops. As early as May, 1818, in the absence of formal discussions of the matter, the four powers were united in the determination to reduce the period of occupation from five years to three, and to decide upon details at the approaching conference of princes. The Prussian court found little difficulty in accepting this view, since Hardenberg had from the first considered the presence of the army of occupation a matter of little importance. Since the king of Spain was affronted at his exclusion, and since some of the other courts did not conceal their ill-humour, it was decided that the name of "congress" should be sedulously avoided, and those concerned spoke only of a "Réunion" or an "Entrevue." The conference of ambassadors at Paris explained to the powers of the second rank (May 25th) that the Réunion took place for two purposes alone, namely, to re-establish the strength of the Quadruple Alliance, and, with the co-operation of the Most Christian King, to arrange for the evacuation of France. The participation of other sovereigns or statesmen would give the meeting the aspect

[1] Gneisenau's Remarks upon Royer's Reports from Paris, December 28, 1818.

of a congress, and give rise to fresh anxieties. It was not without difficulty that the discontent of the minor courts, whose troops were also part of the army of occupation in France, could be appeased. Aix-la-Chapelle was chosen as the place of meeting, because this town, as Metternich said, offered such limited resources. It had been determined that on this occasion the work should be done quickly and seriously, and that any opposition to the dictatorship of the four courts should be stifled by the might of accomplished facts.[1]

Meanwhile the four powers had already given the Bourbon crown a new proof of their friendly sentiments. By the second peace of Paris, King Louis was pledged to satisfy all the foreign private persons, communes, and corporations which had still claims dating from Napoleonic days to present against the crown of France. When this promise was made, no one had any idea of what it signified. It was believed that 100,000,000 francs would cover everything, for the war burdens and war furnishings were on principle to be left out of consideration. What an alarm was raised when the whole extent of the Napoleonic plunder gradually became manifest. In the summer of 1817, in addition to debts to the extent of 180,000,000 francs which had already been recognised and partially settled, new demands amounting to 1,390,000,000 francs were reported. No doubt in this sum were included a certain number of frivolous claims. For example, the duke of Bernburg demanded the pay for the cavalry troop which one of his ancestors had led to join the army of Henry IV in the days of the Huguenot wars. But the great majority of the demands, amounting to 1,000,000,000 francs at least, were legally incontestable, consisting of sums which Napoleon had extorted from private persons, for the most part in friendly or neutral countries. Most of the accounts came from Spain, from the German minor states, and especially from Prussia, which had suffered so severely from the passage of the *grande armée*, and which by itself was responsible for one-fourth of the total claim. Austria and England were comparatively little concerned in the matter, and Russia not at all. The four powers could not fail to recognise that complete satisfaction of all these creditors was almost impossible. Any French cabinet which should bring such a proposal before the Chamber would unquestionably

[1] Ministerial Despatch to Krusemark, May 20; Arnim's Report, Munich, June 10; Schöler's Report, St. Petersburg, February 7, 1818.

succumb to the united attacks of all parties, and what was to happen if the ultras once again came into power?

Consequently Hardenberg, at the urgent request of the French envoy, at length declared himself willing to accept a compromise, to which the German courts agreed; the only reservation being that the reduction of the demands was not to be pushed beyond reason, because the dissatisfaction of the disappointed creditors, especially in the newly acquired German territories, might give rise to serious trouble.[1] Meanwhile, however, Czar Alexander had once more displayed his magnanimity at the cost of his allies, and, on his own initiative, had promised the court of the Tuileries that the bill should be abated. He managed to secure that the decision should be left in the hands of the Paris conference of ambassadors, and here Prussia found herself once more in the same unfavourable situation as in the two peace conferences: her ambassador was one against three, the only one who wished to stand firm when the others desired to yield, and all that could be secured was that the allies should not without further parley accept the proposals of Richelieu, who offered a payment of 200,000,000 francs. Through Wellington's intermediation an understanding was at length effected on April 25, 1818, in virtue of which the crown of France was within one year to pay over, in satisfaction of all still undischarged demands, the sum of 240,800,000 francs in *rentes* (national bonds, each *rente* being 12,040,000 francs). In the distribution of this sum, Wellington, true to the good old English custom, immediately claimed for his own country one-fourth of one *rente* of twelve million, so that the English creditors were satisfied almost in full, whilst the German creditors had to content themselves with one-sixth of their demands. Thus the formal promise of the treaty of Paris was for the most part annulled, by the arbitrary act of England, Russia, and Austria, in opposition to Prussia and without consulting the minor courts. The foreign creditors of France suffered a loss of 800,000,000 francs. The injured parties uttered loud complaints; the liberal press of Germany broke out into bitter reproaches against the "Holy Alliance," which was always held responsible for the actions of the Quadruple Alliance. Again and again had the German nation to learn that she could expect the safeguarding of her

[1] Krusemark's Report, September 27; Hardenberg's instruction to Krusemark, November 23, 1817.

rights from her own strength alone, and not from the goodwill of her allies.

The czar's magnanimity towards the Bourbons was not yet exhausted. Richelieu had long cherished the desire that when the occupation came to an end, there should also cease the humiliating (and in fact unnatural) position of dependence which France still occupied among the great powers. He hoped that the congress of Aix-la-Chapelle would invite the crown of France to enter the Quadruple Alliance, and thus re-establish the old equivalence of rights among the great powers. Alexander inconsiderately met this proposal half way. Now, as so often before, the inclinations of his noble heart went hand in hand with the interests of Russian policy. If the court of the Tuileries, which was completely under the dominion of Pozzo di Borgo, should enter the high council of Europe, the czar would in reality control two votes, and it would merely be necessary for him to gain over one of the three other courts, and the majority would be in his hands, the leadership of Europe would be secured to him. But, for this very reason, Richelieu's wishes aroused serious anxiety in Vienna, Berlin, and London. Metternich, in his first spasm of alarm, considered them altogether unacceptable ; [1] the three courts regarded the approaching congress with lively concern. They wished to keep Pozzo, at least, far from the congress, and therefore, in the Paris conference of ambassadors, decided by three votes against the single vote of Russia, that during the deliberations of the congress of Aix-la-Chapelle the four ambassadors should remain in Paris.

But now, in the policy of the czar, there suddenly became manifest a remarkable change, and one which was at first a riddle to the other powers. Still quite intoxicated with his ideas of making the nations happy, the illustrious protagonist of Christian liberalism had just returned from Poland. Not even the proceedings of the Warsaw diet, which had once more proved the incurable folly of the Polish nobility, had succeeded in shaking Alexander's cheerful confidence. At home a new pleasure awaited him ; in April, 1818, his dearly-loved sister-in-law, the grand duchess Charlotte, who now bore the name of Alexandra Feodorowna, gave birth to a son, afterwards Alexander II, the heir to the throne of the house

[1] Krusemark's Report, June 20, 1818.

of Gottorp. Some weeks later, King Frederick William went to greet his first grandchild. On the journey he took delight in the frank joy displayed by his loyal East Prussians, who now saw their king again for the first time since the painful days of Königsberg, and in Russia he was received with oriental display. Banquet followed upon banquet; the two capitals and the wealthy boyars rivalled one another in ostentation, in exaggerated manifestations of their loyal sentiments. Even now, amid the intoxication of these pleasures, the czar learned, from incontestable secret information, that the officers of his guard, during their stay in France, had not in vain tasted the forbidden fruits of revolutionary doctrine; that in his own court since 1816 there had been in existence certain secret demagogic societies whose membership continually increased. This was the decisive moment of the closing years of his life. He also, the magnanimous well-wisher of the nations, whom even the conquered French hailed as the saviour of Europe, found himself to be surrounded in his own household by rebels and conspirators, he was rewarded with black ingratitude by the very liberal party which ought to have honoured him as its protector. He was shaken to the marrow; all the horrible experiences of his youth, the murder of his father, and the criminal arrogance of the unpunished assassins, recurred to his memory.

Nor on this occasion did he venture to inflict punishment. He carefully concealed his secret from all the world, but his suspicions had been aroused, his proud sense of security had been disturbed, and there was no longer a word to be heard of the Russian constitution which in Warsaw he had so recently announced to an astonished Europe. In youth he had been an enthusiast for the liberal reforming ideas of Speransky, and for the Polish plans of Czartoryski; now Prince Alexander Galitzin became his confidant, a gentle, mystically-minded enthusiast, who, after his manner, continued the penitential sermons of Frau von Krüdener. Even more frequently than before the czar became overwhelmed with gloom, with disgust concerning the falsity of life. There were hours in which he seriously thought of laying aside the crown, and of withdrawing into a life of contemplative solitude. In the year 1819, he on one occasion solemnly announced this intention to his brother Nicholas, whom he designed to raise to the throne over the head of the incapable Constantine, for Nicholas was the

most vigorous scion of the house. But Alexander's soft nature was unable to cling firmly to such revolutionary designs. He remained at the helm, nor did he completely abandon the fine dream of Christo-liberal world dominion. Often enough the court of Vienna had still to complain of alarming relapses on the part of Russia. But the terrible spectre of the threatening universal conflagration, which obstinately recurred in all Metternich's letters to Nesselrode, now seemed even to the autocrat of all the Russias to be no longer a phantom. No more did he smile when the Austrian minister-of-state assured him that while France was the focus of the revolution, the restless movement at the German universities was, in fact, a far more serious matter, because whatever the Germans undertook, even political crime, they carried out with conspicuous tenacity. Alexander gradually began to regard with other eyes the statesmen of Vienna, whom he had hitherto so profoundly despised, and became convinced that only the firm harmony of the eastern powers could possibly maintain the peace of the world.

When he visited Germany in September, he seemed profoundly altered to the eyes of his Prussian travelling companion, General Borstell. There was no longer a word to be heard about liberal institutions, about the reconciliation between freedom and order. He spoke now of defending the monarchical system and the peace of the world, in the sense of the Holy Alliance, against the powers of the Revolution. For this reason alone, said the czar, did he maintain a million soldiers, in order to crush everyone who might venture to disturb his system. He thus showed himself unable, even now, to dispense with the accustomed boasting of imaginary figures; but he eagerly endeavoured to appease the plainly displayed mistrust of the Prussian concerning the ambitious designs of Russia, and even excused himself on account, of the peace of Tilsit and the acquisition of Bialystock.[1] In Berlin he publicly assured his royal friend, when the latter was laying the foundation stone of the memorial of victory upon the Kreuzberg, of his own inalienable loyalty, and was delighted when Stägemann, in a pompous ode, hailed him as the soul of the European league of peace:

[1] Ten Days of My Life, Memoirs of General von Borstell (*Norddeutsche Allgemeine Zeitung*, August 10, 1879, and succeeding issues).

Thrice hail to thee, hail to the reconciler,
To the shield of the alliance! The brows of monarchs,
Often intoxicated with laurels, are not ever
Pious guardians of the gentle olive-branch.

In Weimar, too, in Darmstadt, in Frankfort, wherever he went, he exhorted the princes and statesmen to be on their guard against the demagogues, and expressly reminded them of the conservative principles of the Holy Alliance.

Meanwhile Metternich and Gentz had met Capodistrias in Carlsbad. The little town in the forest valley of the Tepel was then the most fashionable spa in the German speaking world, and was praised by Gentz as "a place of the greatest value to us." Hither there flocked year by year all the people of fashion from the German courts, regaling themselves with the peculiar joys of aristocratic old Austria. There was not a single fine building in the whole valley, but instead there were to be seen charming women and magnificent toilettes, as many as anyone could desire; there were concerts, banquets, and balls galore; and there was a cavalier's alley, where every horseman had to pay a ducat as entrance fee. Here Metternich played the part of host, bewitching everyone, now by his mysterious dignity, now by an enthralling amiability, and inviting some privileged guests, especially the Prussians, to the neighbouring Königswart, where he had built his hideous castle, making it, after his manner, at once tasteless and ornate. He anticipated no good from the conversations with Capodistrias, numbering the Philhellene among the "twaddling" statesmen. How great was his astonishment when he found the Greek to be quite conservatively inclined, and when he gained the conviction that Alexander recognised without reserve "at least the fundamental principle of the maintenance of order." With satisfaction he wrote to his master what Emperor Francis was always most willing to hear, that, after all, everything would remain as it had been. This Russia, which so recently he had wished to curb by forming a secret offensive and defensive alliance with Prussia, now seemed to be voluntarily entering the paths of the only true policy of stability.

After the unmistakable change in Russian policy, Metternich could, in fact, hope that before long Austria would gain the position of leader in the European alliance. He could trust

firmly in the friendship of the tory cabinet, although Lord Castlereagh had to take into account the increasing opposition of the whigs, and therefore wished whenever possible to avoid any formal treaty which might arouse hostility in Parliament. In Prussia, too, the reactionary tendencies of the epoch were already to some extent manifest. The Wartburg festival had exercised a profound and permanent influence upon the king's mood. It was not without anxiety that Hardenberg left the court to pass the first months of the year 1818 at Engers Castle on the Rhine, and to ascertain at first hand the mood of this difficult province. It was the work of constitution-building which was his most serious trouble. He knew that to all the other great powers this undertaking seemed just as sinister as the Prussian Army Law. He had no doubt about the opinion of the court of Vienna, although Metternich had not yet given his views open expression. From Paris, Goltz reported, in April, 1817, and on several subsequent occasions, how urgently Wellington and Richelieu had warned him against the foolish venture of a Prussian constitution. Most equivocal of all, both these statesmen held exactly the same view as Ancillon and the reactionary party in Berlin, considering that so complex a state as Prussia should content herself with provincial diets. Nor did Czar Alexander, even in the days when he announced the programme of Christian liberalism, by any means favour the establishment of a constitution in Prussia; all that could be learned was that he expressed himself as being extremely anxious regarding the political trustworthiness of the Prussian Landwehr.

Hardenberg felt how readily all these opponents might become too strong for him, and he repeatedly, and in express terms, exhorted the ministers in Berlin to proceed as rapidly as possible with the work of establishing the constitution.[1] But the constituent committee of the council of state could not begin its deliberations so long as it was still without the reports of the three ministers who had perambulated the provinces, and these reports were not forthcoming, since Altenstein and Klewitz were fully occupied in the inauguration of their newly constructed departments. Meanwhile opinions were also asked from the provincial governments regarding the provincial diets. Vincke, when sending in the Westphalian documents, appended the apt remark that these papers contained a great deal of

[1] Hardenberg to Klewitz, December 8, 1817; January 6, 1818.

barren talk, since all that had been submitted to the governments consisted of some purely general questions. The course which had been adopted on the advice of Klewitz was already showing itself to be a false route. Only after a thoroughly elaborated plan for the constitution was already in existence, could the opinion of the notables and of the authorities be of any practical value. Were the chancellor, instead of giving the cue to inexperienced public opinion, to fail in courage and to be without a plan, were he to expect advice from his subordinates, such a course would turn things upside down would involve the abandonment of the ancient and proud traditions of the monarchy; besides, should he consult his subordinates, every new opinion would become a new source of embarrassment. He was eaten up with impatience, complained bitterly about the postponement of his cherished design, and yet he had not hitherto taken his pen in hand in order to come to a clear understanding with the monarch and with himself regarding the fundamentals of the proposal for a constitution. Among the friends of reform, embitterment and discouragement rapidly increased. Vincke asked the chancellor what the nation was likely to feel when "other rulers, who have made no promises at all, are forging ahead of our own" Zerboni wrote despairingly: "I go to bed every night thinking of the great opportunity which lies open for Prussia, and awaken every morning overwhelmed with distress at the thought that this great opportunity is being allowed to pass unutilised"[1]

Hardenberg soon found himself on excellent terms with the Rhinelanders, for his cheerful benevolence was pleasing to all. He gained the impression that, on the whole, the two provinces were being administered in an exemplary manner, and that notwithstanding the widespread ill-humour there was no serious thought of secession. It was only the ill-considered promise of a constitution which on the Rhine, as elsewhere, had prepared for him many an unfortunate hour. Among the numerous deputations he received in Engers, there appeared also Count Nesselrode, Baron von Hövel, and other delegates from the Rhenish nobility. They handed in a detailed memorial composed by Schlosser, the ultra-conservative convert to Roman Catholicism, entitled, *Memorial concerning Constitutional Conditions in the Territories of Jülich, Cleves, Berg, and Mark;* and this was accompanied by petitions from the Westphalian

[1] Zerboni to Klewitz, March 8, 1818.

nobility. The principles enunciated in the memorial were excellent, and it was evident that Stein had co-operated in its composition. The nobles were prepared to admit to representation the entire bourgeois class, instead of a few preferred towns, and all the agricultural classes, instead of merely the territorial nobility. But the document voiced ambiguous protests against the "all-confusing equality of the French Revolution"; and contained the quite unjustified demand for the summoning of the old estates, so that it might be possible to come to an agreement with them concerning the innovations! The chancellor's answer was amicable but evasive, saying: "It is the desire of our government to see the constitution proceed only out of a thorough appreciation of earlier conditions and existing needs."[1] The difficult question how the new right was to stand in relation to the old, was still left unsolved. At court the nobles found a friend whose influence was soon to become stronger: the crown prince expressed to Baron von Hövel his peculiar satisfaction with the memorial.

Still less welcome to the chancellor than this embassy from the nobles, which at any rate represented the class-views of a powerful estate, was the visit of a second deputation, which had been called together solely by a fantastical whim, and whose formation bore lamentable witness to the immaturity of political culture in Rhineland. Görres had had to endure hard times since the suppression of the *Rheinische Merkur;* the pension which Hardenberg gave him could not console him for the idleness of a purposeless existence. He did his best to control his hot blood, and always spoke in mild, conciliatory terms when envoys from the Burschenschaft asked his advice. But at length nature proved stronger than good counsel. Prussia, which he had once esteemed so highly, gradually became to him an object of deadly hatred; and all those insane desires of Rhenish particularism which threatened at once the religious parity and the unity of the state, now seemed to him justified. He raged against the foreign Protestant officials as uncritically as did the masses of his fellow-countrymen, and demanded that Rhineland should contribute her own share to the expenses of the state, in accordance with the wishes of her provincial Landtags. He found it abominable that the king should order the well-merited dismissal of a teacher who in a mixed school had roundly abused the Reformation, and

[1] Hardenberg to Nesselrode, March 3, 1818.

even took part in drawing up a petition which demanded from the crown that in future the report concerning educational matters in the governmental district of Coblenz should be left entirely in the hands of a Catholic. In repeated memorials to the king and to the chancellor, he played the part of the natural spokesman of Rhineland, although he could not fail to know that his newspaper had never found many readers on the Rhine. Almost unawares, his Rhenish provincial pride led him towards clericalist views, views which were indeed correspondent with the inner essence of his own fantastical nature. Before long he even began to admire the decayed caste-system of the spiritual electorates, a system which in his youth he had visited with such well-deserved scorn, and came to hold that in the three curiæ of the Landtag of Electoral Treves, were represented the alleged three primary castes of the Germans, those of the teachers, the warriors, and the manual workers.

When the inhabitants of Coblenz now determined to remind the chancellor of the promise of a constitution, Görres gave the address an extraordinary turn of phrase, saying that people petitioned for "the restoration of the liberties of the region, and of the primeval and genuine German constitution." In other respects the document was thoroughly modest and reasonable, and it was signed by more than 3,000 burghers and peasants of the neighbourhood. All that most of them expected was that henceforward a local Landtag should from time to time be able to give the Prussians a rap on the knuckles. Bearing this address, Görres waited on Hardenberg, on January 15, 1818, and behind him came a wonderful train, somewhat resembling those masqueraders dressed as Chinese and Chaldeans whom the mad Anacharsis Cloots once introduced to the French National Assembly "as a deputation of the human race." The Coblenz deputation was to typify "an assembly of the estates in miniature": the caste of teachers was represented by clergymen and teachers; that of warriors by noblemen, Landwehr men, and judges; that of manual workers by a Landrat and by several burghers and peasants. The chancellor listened to the orator, who in moving terms sang the praises of the old Landtags of Electoral Treves, and gave a friendly hearing also to the Landrat who so strangely typified the manual workers, and to the other members of the deputation. But he did not conceal from them that his own views were

far more liberal, and that the simple re-establishment of outworn conditions was impossible. Subsequently Görres told the story of this audience—of this "*champ de Mai* of the Franconian tribe"—in a characteristically inept pamphlet, and the great tribune was most flatteringly extolled by the trumpets of the liberal press. Now, said the newspaper writers, the crown of Prussia had given free Rhineland its Magna Charta!

Hardenberg, who knew his man, accepted the pamphlet with thanks. At court, however, the reactionary party seized the welcome opportunity of doing a bad turn to the absent chancellor. The vociferous tone of the writing was displeasing to the king, and no less displeasing were the detestable accusations it voiced against the Prussian state, and the repulsive Rhineland arrogance which treated the old provinces contemptuously as semi-barbaric colonies. The crown prince had the pamphlet returned to its author with a few words of censure, and upon the king's orders a prosecution was instituted. It appeared that the aldermen in the communes of the governmental district had been circulating the address. Two only of the communes which had been asked to do this had refused: the burghership of Hatzenport on the Moselle, because its inhabitants were satisfied with the existing constitution, and a place in Hunsruck, because the peasants dreaded with good reason that the address, bringing back the old constitution of Treves, might bring back with it the tithes. When a Landrat had interfered, the government in Coblenz had called him to order because "we do not desire to prevent subjects bringing their views before the sovereign." Their statement of justification declared: "We flattered ourselves with the belief that we were acting entirely in the spirit of the liberal sentiments of our government." [1]

The king thought otherwise. He was indeed greatly moved, for in this fermenting new province least of all did he desire to see any infringement of the old Frederician rule which granted the right of petition to individuals only, strictly prohibiting all joint petitions. For this reason, notwithstanding Hardenberg's urgent advice to the contrary, he administered a sharp reproof to the Coblenz government, and replied to the signatories to the address in an ungraciously worded cabinet order, to the effect that he alone would decide upon the time for the carrying out of his promise. The people of Hatzenport

[1] Statement of the Coblenz Government, May 20, 1818.

were commended for their law-abiding sentiments, and henceforward, for years to come, remained the butt of their fellow-countrymen, who spoke of them as the Abderites of Rhineland.[1] It was only through this proof of royal disfavour that the foolish mummery of the Coblenz deputation acquired a significance which would otherwise never have attached to the affair. The whole province murmured at the king's severity, although the constitutionalist party among the Rhinelanders had in reality at first had but few convinced adherents. Hardenberg immediately divined that the good-natured monarch's anger must have been occasioned by malicious whispers. He harboured suspicions of Ancillon and Duke Charles of Mecklenburg, but still failed to see through the machinations of the most cunning and dangerous of his enemies, Prince Wittgenstein, even demanding of the last-named (in confidence) his assistance in appeasing the ill-humour of the court. In order to reconcile the king's mind completely, he returned to Berlin in the beginning of April, earlier than he had intended, leaving behind him as a parting message, *A German Word from Prussia to the Rhinelanders*. This pamphlet, written by his confidant Koreff and revised by himself, while giving the Rhenish people certain friendly assurances, gave them also some much-needed advice. The Rhinelanders, said the writing, must not forget that they themselves did not raise a finger to shake off the foreign yoke, and that it was to the Prussian state alone that they owed their liberty, their renewed right to a German life. The chancellor broke off his correspondence with Görres, because "cela mettrait du louche dans ma marche." He wished to avoid anything which might arouse the king's suspicions, in order to be able all the more securely to attain to his own principal aim, the constitution.[2]

The delay of the great decision was more painfully felt every day. Warnings were sent in from all sides. The gentry of Mark, demanded once more, as so often before, that the new fundamental law should concord with the old system of the estates, and they were referred by the king to the deliberations of the council of state. The government of Merseburg, on the other hand, begged that at least the circle diets should be instituted as speedily as possible; in default of this the arrogant claims of the old estates, who hated the people,

[1] Two Cabinet Orders of March 21, 1818.
[2] Hardenberg's Diary, March 1, 7, and 12, April 26, 1818.

could not possibly be withstood. Even the municipal authorities of the capital, hitherto so peacefully disposed, got out of hand because, when the notables had been asked their opinions, no one had been summoned from the capital; they sent in several memorials drawing attention to the royal promise, only to be told that "repeated reminders are out of place." [1]

Hardenberg could no longer conceal from himself that he must now at length put his own hand to the work. But how was he to find time and energy for constitution-building amid the enormous pressure of affairs already too heavy for the aging man? Thereupon Wittgenstein, to whom unsuspiciously he confided his troubles, helped him out with some friendly advice (May 6th). The prince recommended the appointment of two new ministers as secondary chiefs for the two departments for which the chancellor himself had hitherto been directly responsible, suggesting Count Lottum, a well-meaning man of trifling political importance, for the board of general control, and Count Christian Bernstorff, the Danish envoy in Berlin, for the ministry of foreign affairs. Since for years Hardenberg had been on terms of close friendship with Bernstorff, he inconsiderately accepted the proposal, and on May 25th, wrote to the king saying that he felt the burden of his sixty-eight years, and further that he considered it his duty to make provision for the daily possibility that God might summon him. He would wish to retain the chancellorship to the end, and at the moment was quite unprepared to suggest a successor for this post; it would therefore be simplest if ministers were now to be nominated for all the departments, so that when his death took place, everything could go on without disturbance. Thereupon followed the proposals which, he said, "I have discussed with my faithful friend Wittgenstein." The king, who had himself known and valued Count Bernstorff from youth upwards, approved the suggestion, and after the Danish envoy had recovered from his surprise, and had secured permission from his own monarch, the change was formally completed on September 16th, in an exceptionally gracious despatch from the king to the chancellor.[2]

[1] Petition from the great committee of the gentry of Electoral Mark and Neumark, March 17; the king's answer, March 28; Report of the Merseburg government, June 28; Address of the municipal representatives of Berlin, January 15; Report of the Berlin government, February 16, 1818.

[2] Hardenberg's Diary, May 6; Hardenberg to the king, May 24 and 30; Cabinet Order to Hardenberg, September 16, 1818.

This was a master-stroke on the part of Wittgenstein. The sly courtier's plan, which was unquestionably directed against the chancellor, had been so adroitly conceived that, alike to the king and to the chancellor himself, everything seemed to be Hardenberg's own doing. The post of minister of foreign affairs was one of great difficulty, for at that time the diplomatic corps of Prussia, while it numbered among its members numerous excellent diplomats of the second rank, who almost without exception sent in well-written reports, had only one real statesman of the stuff to make a minister, and this one, W. Humboldt, was impossible. Among all the great powers he was in such ill repute that he was never able to play any successful part in the work of the Quadruple Alliance; and not only was he disliked by the courts, but further he was still estranged from Hardenberg by the old mutual mistrust, and was unsuited for a department which henceforward, as before, was to remain under the especial supervision of the chancellor. Finally, in the previous autumn, he had refused to enter the ministry, and had just renewed his refusal in a despatch from London, in which he said that the ministers possessed no genuine responsibility, and that such responsibility as they did exercise was one he would be unwilling to share with men like Schuckmann.[1] In these circumstances it is easy to understand that the king, who so often before had summoned men from other parts of Germany to his service, would, on this occasion also, disregard the strongly expressed sensibilities of his native-born officials, and once again make up his mind to employ a non-Prussian German.

Even in the Danish service, Count Bernstorff had always remained a German. After a brief diplomatic apprenticeship in the Berlin embassy, he had, when only twenty-seven years of age, taken over the management of foreign affairs in Copenhagen, and, as the last representative of the rule of the German nobility which had endured for so many hundred years in Denmark, had had to experience many a sharp conflict with the awakening national pride of the island people: the German Bernstorffian party and the Danish national Rosenkrantzian party were always sharply opposed. His merits did not rival those of his grand-uncle, or of his father, the two great liberators of the peasantry in Denmark; nor was fortune favourable to his administration. He was unable to prevent the plunder-

[1] Humboldt to Hardenberg, May 29, 1818.

campaign of the English against Copenhagen; and subsequently, when he had re-entered the diplomatic career, he did not succeed in securing a better fate for his monarchy when the latter, at the congress of Vienna, was sacrificed by all the great powers. Notwithstanding this misadventure, he was generally regarded as an honourable, courageous, and prudent statesman. His methods in personal intercourse were dignified and yet gentle, which was always pleasing to King Frederick William, while he displayed a bewitching charm which sprang from a noble heart. In the beautiful park of his official residence in the Wilhelmsstrasse, there assembled on summer evenings Gneisenau and Clausewitz and a cheerful circle of talented people; and as a rule his friendly neighbours the Radziwills also dropped in, by way of the steps which led over the party-wall between the two gardens. In early life the minister had been introduced to literature by his uncles, the brothers Stolberg, and had himself displayed an amiable poetic talent; both in art and science, indeed, he proved a genuine connoisseur. But he possessed little of the coarse ambition and restless activity of the born statesman.

With him began a new generation of Prussian diplomacy. In place of those weather-proof, hard-working politicians who had once devoted themselves body and soul to the Great Elector and the Great King, there now appeared more and more frequently, in the piping times of peace, talented and amiable literary dilettantes, to whom the state was no longer one and all. Even when he took over his new office, Count Bernstorff felt weary and relaxed, although he was not yet fifty years of age, and shortly afterwards he became so severely afflicted with gout, the disease of his class, that he rarely had a day's perfect health. Of Prussia's internal affairs he knew only what a foreign diplomat could learn, and, to his misfortune, it was from Ancillon that he had long been accustomed to glean his information about German politics in general. The mysterious odour of sanctity which surrounded this learned courtier still completely blinded the new minister; and the Badenese envoy, General Stockhorn, was certainly on the right track when he reported to his court that Bernstorff's appointment had been the joint work of Ancillon and Wittgenstein. The correspondence between Bernstorff and Ancillon is still for the most part extant, and it shows very clearly that for more than

a year the new minister continued to repose every confidence in the teachings conveyed to him by the facile pen of his mentor. Not until it was too late, not until the end of the year 1819, did Bernstorff acquire an independent view of German affairs, and learn to see them with his own eyes. He then gradually diverged from the reactionary doctrines of his master, and showed that in temperament and sentiment he belonged to the class of moderate conservatives. But during the critical year and a half in which the transformation of federal policy took place, Bernstorff remained an associate of Ancillon.

His appointment was a victory for the reactionary party, and, despite his own ignorance of the fact, favoured the intentions of those who were secretly endeavouring to bring the chancellor's constitutional plans to nought. For the time being, the work of constitution-building was completely arrested. In July, Hardenberg voyaged from Potsdam to Hamburg upon Humphrey's new steamboat *Der Kurier* (this being regarded as an unprecedented venture), and thence made his way to the Rhine, where he was engaged for some weeks in legal affairs and in diplomatic negotiations. The impatience of the constitutionalist party increased daily. Boyen wrote to Schön in a fury: "This love of the people for their king, which is based upon facts, all that during centuries honourable thinkers have explained as the aims of humanity, will now be declared untrue by a gang of weaklings, of old women who unfortunately wear trousers, who desire out of obsolete forms to weave a mystical garment which they think will be so comfortable to themselves and to their beloved families." [1]

Thus all the signs were favourable to the court of Vienna. Towards the end of the previous year, Metternich, out of respect for the sensibilities of the minor courts, had avoided intervention in German federal policy; but now the time seemed to have arrived for a campaign against the demagogues. If only the Quadruple Alliance could be recemented at the congress, the German press, the universities, the gymnastic grounds, and, if possible, the Landtags, should experience the severities of the federal law. In order to carry on the campaign on behalf of the existing order with spiritual weapons as well, Metternich had recently established the *Wiener Jahrbücher der Literatur*,

[1] Boyen to Schön, October 26, 1818.

for the *Oesterreichische Beobachter* was too pitiable an affair, except from time to time when Gentz sent an essay; whilst Cotta, in the columns of the *Allgemeine Zeitung* of Augsburg, accepted not only the communications of the Hofburg, but liberal articles as well. Matthäus von Collin, the brother of the dramatist Heinrich von Collin, a harmless and insignificant author, was entrusted with the editorship, and it is an index of the level of Metternich's scientific culture that he asked the most trivial of all German critics, Carl Böttinger of Dresden, who had been immortalised by the scorn of Goethe and Schiller under the nickname of "Magister Ubique," to serve the new undertaking (planned in "a thoroughly learned and genuinely cosmopolitan spirit") as critic. The considerable pecuniary resources of the paper unquestionably served to secure it a few solid contributions, but it never acquired any literary significance, for how could living knowledge have prospered under so dull an editorship?

In the very first numbers, in preparation for the struggle against the German newspapers, there appeared two essays by Gentz upon the freedom of the press in England, the only strictly scientific works of his later years. What a transformation since that frank circular in which, twenty years before, he had commended a free press to the new king of Prussia. How much more mature, experienced, and well-furnished with knowledge did he now appear, but how cold, one-sided, sceptical, and disingenuous in his skilful rhetoric. Now freedom of the press was to be no more than a relative term, and it was as safe and even safer under the censorship than under the danger of prosecution after publication. After a masterly account of the history of the English press, such as he alone at that day was competent to give, he developed the leading ideas of a doctrine which for an entire generation remained the fundamental error of German press legislation. He maintained that press offences constituted a variety of offences which had nothing in common with other infringements of law, whereas in actual fact *lèse majesté*, blasphemy, and similar crimes may be equally well committed by word of mouth, by action, or through the press, and the difference of method has no effect on the nature of the offence. His impudent sophistry secured support, not only on account of the fears of the cabinets, but also because of the caste pride of the authors, who in their vanity failed to note that Gentz only arrogated for the press

a proud position outside the common law because he desired to subject it to exceptional laws.

Undeniably none could dispute with him the glory of being the first of German publicists. He surpassed every possible rival by the classical beauty of a style which was at once profoundly elaborate and yet simple, and by the concentrated energy of his dialectic. But what had become of the moral wrath and the wealth of ideas of his great years; what had become of that broad-minded liberalism which had once so manfully defended the national peculiarities of the peoples against the irrational tyranny of the world-empire? The solitary idea of the maintenance of the existing order recurred again and again in all his writings with hopeless monotony. The hoary illusion that the eternal movement of history could now be brought to rest for ever at the beck of the Hofburg, had dried up the creative energy of this once fruitful spirit, and had inspired with contemptible terrors this man who had formerly entered the lists on behalf of Europe—for Gentz had still too keen a critical faculty not to see through his own contradictions. He had gradually made himself quite at home in Austria. He had broken off communication with almost all the friends of his youth, and soon came to take a malicious delight in defaming his old home as the land of vain pride of intellect, and in extolling as the greatest of German authors the fanatical Prussian renegade, Adam Müller, a man who stood so far below Gentz himself.

Just as Plato and his political disciples had once availed themselves of all the wealth of the Attic tongue and the Attic spirit to extol the brutal roughness of the Spartan state, so Gentz now utilised the heavy armament of his Protestant North German culture in the service of an un-German statecraft which threatened to annihilate the freedom of our civilisation. Like his ancient prototypes, he was misled in the first instance by a political error, inasmuch as he imagined that he found in the Hofburg the shield and the mainstay of the conservative cause in Europe; but it was also his insatiable love of pleasure which held him prisoner in the Austrian camp. He was one of those born virtuosi of enjoyment whose energies can find free play only in the soft atmosphere of a refinedly sensual existence, and who are therefore justified in tilling the soil which corresponds to their special gifts. But how immeasurably did he misuse this right. The colossal sums

which he unashamedly accepted from the great courts, from the Rothschilds, from the hospodars of Wallachia, were still insufficient to provide for the foolish extravagance of the effeminately fastidious man, exhausted and enervated by all conceivable lusts of the flesh. For many years the Hofburg had merely made use of his pen, without initiating him into all its secrets. It was only after the congress of Vienna and the second congress of Paris that he attained vis-à-vis Metternich that position of confidence which he had formerly and falsely boasted; but to Emperor Francis he remained to the end a mere foreign plebeian. He spoke of the congress of Aix-la-Chapelle as the climax of his career; all the courts overwhelmed him with distinctions and gifts; friends and foes alike recognised in him the publicist of the European alliance. Conscious of his own comprehensive knowledge of affairs, he looked down with fierce contempt upon the dilettantist political chatter of delegates, professors, and journalists. Never would he admit that out of the views of such a multitude of persons endowed with half knowledge there could ultimately arise a public opinion which even in its aberrations still constitutes a genuine power, and at times exercises as irresistible an influence as is exercised in a theatre by the judgment of a public also consisting of non-experts. How delighted he was "that at length there once again exist diplomatic secrets," that the cabinets had determined that on this occasion the proceedings of the congress should be concealed from the gaze of the uninitiated more carefully than had been the case in Vienna. By the use of compulsion, and by punishments, the great mass of interlopers were to be deprived of all desire to interfere in the labours of the political craftsmen. It was with real delight that Gentz now took up that Prussian memorial upon the press law which in the previous year Jordan had vainly brought to Vienna, and began to modify it in the Austrian sense; to this master of the pen no means were severe enough to bring the papers to silence.

As he tells us himself, even more terrible than the licence of the press appeared to him "the greatest of all evils," the disorder among the students (*das Burschenunwesen*). That touching enthusiasm for the unity of Germany which seems to furnish excuse even for the follies of these fervent youths, was naturally to the Austrian nothing more than one additional ground for condemnation. There also came into operation the

detestation of this soft and over-delicate aristocratic world for the coarse university manners, of whose roughness extraordinary stories were circulated in the Hofburg; in Metternich's view, even Arndt was no more than a dissolute toper. Finally, and above all, Gentz was influenced by his own craven fears; not even the crowing of cocks and the hissing of geese, not even the rolling of thunder, and all the other terrors with which cruel nature affected the sensitive nerves of the Viennese court publicist, produced in him such a vigorous disturbance as did the sight of a bearded student. In Heidelberg, even his delight in the beautiful landscape, almost the sole youthful sentiment which he had still preserved in his frosted heart, was completely destroyed, for in the streets there were to be seen "the grotesque and repulsive figures of young men going about in dirty Old German rig, a genuine horror to God and man, with books under their arms, seeking the false wisdom of their evil professors." This abomination, too, must cease; a great memorial upon the reform of the universities was already in progress. The congress offered a means for coming to an understanding with the Prussian court, and then the Bundestag was to initiate annihilating blows against the demagogues. Meanwhile the public, in an oracular article published by the *Oesterreichische Beobachter*, was expressly exhorted to display its confidence in the wisdom of the allied monarchs, "whose every step will be in the direction of conservation, not of destruction or revolution."

In order to produce a compliant mood in the Bundestag, Metternich and Gentz travelled by way of Frankfort, and secured there from the servile petty diplomats (of whom, in the circle of initiates, Gentz was accustomed to speak bluntly as a "rabble") a reception brilliant surpassing all expectations. Metternich reported triumphantly to the emperor: "Since coming to Frankfort I have effected a moral revolution in the Bundestag; it is almost incredible to what a height of moral influence the imperial court has now attained." To his wife he wrote in yet more boastful terms: "I have become a sort of moral force in Germany and Europe; I came to Frankfort like the Messiah for the remission of sins"—and he went on to give an assurance that the twelve days of his stay had sufficed to bring to fruition in the Bundestag everything which hitherto had seemed impossible of attainment. As a matter

of fact, the Bundestag remained quite undisturbed in its healthy slumbers. The envoys cheerfully continued to play their favourite game of hide-and-seek with the production of fresh instructions; and of all the unfulfilled duties of the federal assembly, one only was advanced a brief step through Metternich's intervention, namely, the proceedings concerning the federal army.

The dispute was still in progress regarding the composition of the mixed army corps, all the middle-sized states continuing obstinately to maintain that Electoral Hesse belonged to South Germany; and Wangenheim had just aroused the anger of the two great powers by a series of snappish *Notamina* on the federal military constitution, behind which plainly loomed the idea of the German trias. When Metternich called the Würtemberg diplomat to account, the latter, in a childishly open answer (September 16th), disclosed his most secret plans. "The federal act," Wangenheim wrote guilelessly, "is nothing, absolutely nothing, in default of institutions which guarantee the application of the law and its carrying into effect"; only a federation within the federation could secure the complete legal equality of all members of the federation, and could hold the purely German states aloof from the European wars of the two great powers. The idea that this federation could ever enter into a conspiracy with foreign powers, and that "one-and-thirty states in small octavo or duodecimo" could ever become united in a plan of conquest against Prussia and Austria, was characterised as "nonsensical dread of political Don Quixotes."

Metternich did not vouchsafe any answer to this innocent correspondent, but immediately sought for an understanding with Prussia. If only the unity of the federal army, and therewith the Austrian supreme command of that army, should remain secure, he was little concerned regarding the composition of the mixed army corps. From Frankfort he went to his beautiful estate of Johannisberg, where he had the profitable vineyards of the old prince-abbots of Fulda most sedulously cared for, while their banqueting halls had been restored with repulsive baldness and lack of taste. There, on September 17th, supported by Langenau, he held a great council with Hardenberg, Goltz, and Wolzogen, which led to the acceptance of the Prussian proposals. In addition to three Austrian, three Prussian, and one Bavarian army corps, three mixed corps were to be formed; an eighth for Saxony, Würtemberg,

and Baden; a ninth for the two Hesses, Nassau, and Thuringia; and a tenth for Hanover and the Low German petty states. The Prussian chancellor was delighted beyond measure. Though he had been a hundred times disillusioned, he still could not abandon the phantoms of his dualistic policy, and reported to his king that at length it was certain that, in case of war, the whole of North Germany except Saxony would be under Prussia's leadership.[1] Yet not a single word had been spoken regarding the bipartition of the federal army, and, indeed, Austria was absolutely determined never to depart from the earlier federal resolution which prescribed the nomination of one single federal commander-in-chief. In Frankfort, meanwhile, the old disputes continued without cessation; the two Hesses definitely desired to enter the army corps of the South German middle-sized states. But since the king of Würtemberg subsequently took alarm at the challenging attitude adopted by the hot-blooded Würtemberg envoy,[2] and gave only a lukewarm support to the two Hesses, the Johannisberg agreement was at length accepted by the military committee, and on October 12th the proposal for the "elements of the military constitution of the Germanic Federation" was laid before the Bundestag.

Thus at the end of two years was secured a proposal for "the elements"—what a shameful constrast to the patriotic unanimity of the French chambers which immediately forgot all party quarrels when the strength of the army was in question! It still remained altogether doubtful if and when the Bundestag would approve the proposal of its committee, for there now recommenced the agreeable waste of time involved in sending for instructions, and anyone who knew the character of the assembly could not fail to recognise in advance that the acceptance of the proposal unamended was inconceivable. Yet Metternich in his insatiable vanity was bold enough to write to the emperor saying that, at the moment of the evacuation of France, Germany could enjoy the satisfaction of completing her military organisation, of securing her powers for defence—and he received in return the monarch's thanks for "having conducted the military affairs to the desired end." Nine days after this commendation, he confidentially admitted

[1] Hardenberg, Report to the king, Kreuznach, September 18, 1818.
[2] Ministerial despatch from Berstett to Berkheim, August 29, 1818.

to the chancellor (November 5th) that all the negotiations of the Bundestag concerning military affairs had hitherto been no more than mere preliminaries![1]

However trifling the results of his visit to Frankfort, it had at least effected an increase in his personal prestige. He was now generally regarded as the wise chief of German statesmen, and even Wangenheim spoke of him as a hero of statecraft. When Emperor Francis crossed the Rhine, there arose in the ancient lands of the crozier a chorus of jubilation which proved beyond possibility of doubt that the Prussophobia of the Rhinelanders was rooted, not in liberal but in clerical sentiments. The men of Cologne went out many miles along the road to meet him. Francis received all this homage with barely concealed and malicious delight, and beneath a report from Metternich, assuring him of the imperial loyalty of the Rhineland, he wrote with satisfaction the words "agreeable intelligence." In the bigoted town of Aix-la-Chapelle, wherever the Austrian showed himself he was greeted with loud hurrahs, whilst no one paid any attention to the king of Prussia or to the czar, and people openly declared, "The emperor is here in his own land, but the Prussian is a stranger." When King Frederick William took his Austrian guest to the minster, all the clergy of the place received the emperor at the door (the *Oesterreichische Beobachter* described the fact in a shameless article), and conducted him to the grave of Charlemagne, where a prie-dieu had been placed ready for him, and handed to him the celebrated relics; meanwhile the Protestant sovereign of these priests, and his heir, stood unregarded on one side. What a scene! Gratitude and veneration for this Lorrainer who had thrown the crown of the Carlovingians into the mire, here beside the grave of the first emperor, in the ancient coronation town in which, fourteen years before, Francis, false to his own oath, had paid homage to the emperordom of the usurper. What criminal contempt was here displayed by his subjects for that noble German prince who had lifted the foreign yoke from the necks of these men of the western march, and who, after they had suffered many centuries of misery, had just regained the blessings of just German rule. Unquestionably a generation inspired by such sentiments was not yet ripe for unity.

[1] Metternich to Hardenberg, November 5, 1818.

§ 2. EVACUATION OF FRANCE. RENEWAL OF THE QUADRUPLE ALLIANCE.

The affairs of the congress were not to proceed entirely without dispute, but the conflict of opinions was never acute or dangerous, for all parties were agreed in dreading a new eruption of the revolutionary volcano in France. It is true that the czar had arbitrarily, and in defiance of the resolution of the Parisian conference of ambassadors, summoned Pozzo di Borgo to Aix-la-Chapelle, but Metternich speedily noted that Alexander was far from being in agreement with the French sentiments of his ambassador. The czar regarded the internal affairs of France with profound anxiety, and would not allow himself to be persuaded by Richelieu's asseverations. Notwithstanding all his good wishes for the Bourbons, he would not completely abandon the alliance of the four powers, which was mainly directed against the revolutionary spirit in France. The maintenance of peace and public order, the upholding of Christian civilisation, and, should it prove necessary, a common fight against the hydra of revolt—such was the programme which, to Metternich's relief, he again and again developed in unctuous speeches. Moreover, Pozzo did not take part in the official sittings. The plenipotentiaries were: Castlereagh and Wellington; Metternich; Hardenberg and Bernstorff; Capodistrias and Nesselrode. Gentz kept the minutes, swimming in an ocean of delight, and he could hardly find words sufficiently vigorous in which to describe to his confidant Pilat, the admirable change in the czar's sentiments, the exemplary unanimity of the cabinets, the praise that was showered on his own pen, and the six thousand ducats which were dropped into his bottomless pocket. Richelieu, the French plenipotentiary, as yet put in an appearance in isolated sittings only, and upon special invitation.

As early as the third day of the congress, on October 1st, an agreement was arrived at regarding the evacuation of France; and on October 9th a convention was concluded with Richelieu, appointing November 30th as the date of withdrawal of the army of occupation. "I have lived long enough," wrote King Louis thankfully to his minister, "now that I have seen France free once more." A delay of nine months was granted to the Tuileries for the payment of the remainder of the war debt,

amounting to 265,000,000 francs. Hardenberg had vainly demanded immediate payment, on the ground that Prussia, whose finances were completely exhausted, could hardly wait any longer, and was always forced to sell the French national bonds immediately on receipt, on unfavourable terms. The three other powers rejected the proposal, because they did not wish to irritate public opinion in France;[1] and in any case the Bourbons would have found it extremely difficult to satisfy the Prussian demand. The two new loans, amounting in all to 120,000,000 francs, which France had to raise for the discharge of the first instalments of the debt, had caused a panic in the business world; and while the congress was still sitting such severe crises ensued upon the bourses, first in Paris and then in Amsterdam, that the powers, upon Richelieu's request, and upon the intercession of Wellington, approved two further postponements of the date of payment, the last postponement being until June, 1820. On both occasions Prussia raised fruitless objections.

Less simple was the course of the negotiations regarding the future position of France in relation to the four powers Richelieu's desire was that his state should be simply accepted into the Quadruple Alliance, so that the European pentarchy which had existed *de facto* during the three decades before the Revolution should be renewed as a legally recognised order. He repeatedly declared that the persistence of the Quadruple Alliance could in France be regarded in no other way than as an affront, and that it must ultimately lead to war or revolution. It seemed for a time as if Russia would accede to these desires. In confidential conversations, Capodistrias spoke of the Quadruple Alliance as the four-headed Bonaparte whose tyranny must be broken. On October 8th, the Russian plenipotentiaries handed in a memorial which, as Bernstorff aptly said, was unparalleled for length, obscurity, and bombast, by anything which had previously proceeded from St. Petersburg.[2] In apocalyptic terms it extolled the system of peace established by Providence itself, a system which, like truth, when once recognised and engraven in the hearts of men, can never again lose its power. Next came a demand for the admission of France into the Quadruple Alliance, for this body was

[1] Minutes of the fifth sitting, October 3, 1818.

[2] Capodistrias, Mémoire sur l'alliance général, September 26/October 8; Bernstorff to Lottum, October 10, 1818.

"only the centre of gravity of the general alliance, or of the European system." But side by side with this demand were to be found threatening and actually hostile utterances against France. If this power should ever again become the seat of revolution, she would by her own act withdraw from the general alliance.

This remarkable document gave a faithful picture of the contradictory desires which since the great transformation of the previous summer had been dominating the mobile spirit of the czar. It was plain that the founder of the Holy Alliance would have gladly become the recognised chief of a general European league, and that he was nevertheless unwilling entirely to abandon the well-tried Quadruple Alliance which held the forces of revolution in check. On the other hand, the two highly conservative powers, Austria and England, thought above all of maintaining the existing fact, the Quadruple Alliance, with perhaps the occasional support of France; neither Metternich nor Castlereagh could overcome their mistrust of Russian ambition, and their dread of all innovation. Moreover, Lord Liverpool dreaded fierce struggles with the whigs should his colleagues subscribe to any formal treaty, and concealed his anxiety behind the high-sounding exhortation, "The allies must not forget that the general and European discussion of these questions will take place in the English parliament." In the bosom of his own cabinet, a voice of contradiction was already audible. The youngest member of the ministry, George Canning, was voicing the view that the island state should hold aloof from continental affairs except in so far as they concerned the interests of English trade. Prussia occupied a middle position between the parties, and endeavoured to secure a compromise, for which the conditions were in fact favourable. Unquestionably the Quadruple Alliance still had a justified existence. It would be undesirable to dissolve it, for the condition of France was not one to inspire confidence, while in the kingdom of the Netherlands a struggle between north and south had already broken out which seemed to threaten the overthrow of this artificial state-structure. On the other hand, it was no longer reasonable to refuse the court of the Tuileries all right to participate in the deliberations of the European powers, now that France had fulfilled every condition imposed by the peace. Were there no means of attaining both the desired ends, of accepting France into the European concert of the powers, and yet at the same time firmly re-establishing the Quadruple Alliance?

Prussia's mediation was directed towards this twofold aim, and within a few days the two parties had drawn closer together. On October 14th, in a new memorial, Capodistrias proposed that in a secret protocol the four powers should confirm the Quadruple Alliance and should in private discuss the question of military preparations in the event of war ensuing against France ; but that when this had been effected, France should be invited to join the union of the four powers, and that after the acceptance of this invitation the union should be indicated to the remaining states of Europe as a proof "of the unity, of the brotherly and Christian friendship," of the monarchs.[1] On these lines the elements for an understanding were already forthcoming. Nevertheless the progress of the negotiations was arrested for several days because the czar and the king, upon Richelieu's urgent invitation, undertook an excursion to Paris ; the old Bourbon monarch wished to show his nation that the allies regarded him as a completely equal member of the league. On the way, a review of the Prussian occupation corps was held at Sedan, on the very field where, after the lapse of half a century, the black eagles were once more to be seen. At the Tuileries the czar again displayed his dramatic talents ; he stayed but a single day, and as soon as his Prussian friend had gone to the theatre he had a long and ceremonious conversation with King Louis, during which there was no lack of emotional phrases and benevolent wishes. But he would not give the king any binding assurances, and when he returned to Aix-la-Chapelle, on October 31st, he found the statesmen in a mood which boded no good to France.

The supplementary elections to the French chambers had not led to the return of a single ultra-royalist, whereas even in the strongholds of the legitimist party, in Brittany and La Vendée, acknowledged democrats like Lafayette and Manuel had been elected. In addition, there had arrived disquieting intelligence from the Paris bourse. To everyone, the future of France seemed more uncertain than ever, and in a memorial dated November 1st Metternich insisted with much emphasis that France was still far from being in a similar situation with the other powers. No one would threaten a peaceful and constitutional France : but this state was the issue of revolution and was torn by faction ; it was the duty of the

[1] Mémoire sur l'application des traités de 1815 aux circonstances actuelles, October 14, 1818.

four powers to keep it under observation, lest it should relapse into revolutionary spasms, "a duty which does not exist in relation to any other state"; consequently France could not enter into a formal alliance, especially since there did not exist any *casus fœderis*, and could merely be asked to particidate in the deliberations of the four powers. This view gained the upper hand, although Russia raised certain objections, relating rather to form than to substance; [1] and thereupon, in a note couched in flattering terms, and sent to Richelieu under pate November 4th, the Most Christian King was invited henceforward to join in the deliberations of the other powers. On November 12th, the French minister-of-state forwarded a reply expressing the lively gratitude of his king for this new proof of confidence and friendship, and promising that France would adhere to the union of the powers "with that integrity which is characteristic of the country."

On November 15th the now united five powers signed a protocol giving formal expression to the accession of France to the system of universal peace, and pledging themselves that from time to time, by common agreement, they would hold personal interviews for the joint discussion of their affairs. At these meetings, should the interests of other powers come up for consideration, such matters must be discussed only upon the formal demand, and with the co-operation, of the states concerned. This protocol was communicated to all the European courts, accompanied by a declaration (also dated November 15th), which was a master-work of Gentz's style, but whose brilliancy of form could hardly conceal the exiguity of the content. "The purpose of this union," ran the document, "is as simple as it is beneficent and grand. In its firm and quiet progress, it strives for nothing less than the maintenance of peace, designing to guarantee all the negotiations upon which peace is founded and by which it is strengthened. The sovereigns formally recognise that their duty towards God and towards the nations over which they rule, commands them to set before the world, as far as lies within their powers, an example of justice, harmony, and moderation."

Thus France was ostensibly accepted into the alliance of

[1] Minutes of the twenty-second sitting, November 4. Metternich's Aperçu de la situation, November 1, 1818. The document printed in Metternich's posthumous papers III, p. 161, is only the first draft of this memorial, which was subsequently much elaborated.

the four powers, and, in order to announce the new friendship ceremoniously, Pozzo di Borgo, with the approval of the czar, was made a peer of France. The good Richelieu, whose chivalrous conduct at the congress had given general satisfaction, could enjoy the pleasure of finding that the ignorant press extolled him, not merely for having liberated French soil, but also for having renewed the European pentarchy. In reality, France had secured nothing more than a comparatively worthless manifestation of diplomatic courtesy. The Bourbons could henceforward expect that their plenipotentiaries would be summoned to the meetings of the four allies, but no treaty had been signed, and the name Quintuple Alliance was purposely avoided. On the other hand, the representatives of the four powers met in a confidential sitting on the very November 15th on which they sent the declaration to the European courts, and declared in a secret protocol that the alliance first formed in Chaumont, and renewed in Paris for an indefinite period, persisted without alteration; but in order to avoid alarming France and the other states, the continuance of the Quadruple Alliance was to be kept secret. The four powers were pledged henceforward to furnish one another mutually with immediate military help, each supplying a minimum force of 60,000 men, in case a revolution should break out in France, or should there be a Bonapartist revival, or should in any other way a danger of war become manifest. They reserved the right of discussing the measures, if need be, in special meetings (*réunions spéciales*) which "might obviate the disastrous consequences of a new revolution in France." [1]

In the same sitting, the secret military committee of the four powers, which sat under the presidency of Wellington, handed in its plan for the disposition of the allied military forces. According to this "military protocol," as soon as the four powers had decided that a *casus fœderis et belli* existed, within two months the English were to assemble at Brussels, the Prussians at Cologne, the Austrians at Stuttgart, and, within three months, the Russians at Mainz. Of the Belgian fortresses, England occupied the western, Ostend, Ypres, and some of the places on the Scheldt; Prussia the fortresses of the Meuse and the Sambre, Namur, Charleroi, Marienburg, and others. It was suggested that the minor German contingents should once more be distributed, as they had been in the year

[1] Secret protocol drawn up at the thirty-third sitting, November 15, 1818.

1815, among the different armies, in accordance with geographical position, since no federal army as yet existed. This protocol was approved, and then Wellington, upon Prussia's urgent representations, had still to secure the assent of the king of the Netherlands.[1]

When all this had been done, it still seemed insufficient to the Prussian generals. They were under no illusions regarding the inefficiency of the celebrated "buffer state" of the Netherlands which, in accordance with the intentions of the congress of Vienna, was to receive the first shock of the French army. They were well informed regarding the lamentable condition of the Netherland army, and knew that this army would not suffice to guard even one-half of those fifty fortresses and forts which Wellington had just had built on the Belgian frontier with the aid of the French war indemnities. It was consequently the intention of Prussia, as the state next endangered, to station on the lower Rhine a permanent observation corps, which in case of need could make its way into Belgium, even before the declaration of war. In order to discuss further details with the Netherland court, General Müffling was sent from Aix-la-Chapelle to Brussels; but King William absolutely refused to assent to any such limitation of his sovereignty. For years past the Orange ruler, who owed his throne to the armies of the allies, had plainly manifested his preference for France and his hatred for Prussia. He was out of humour because King Frederick William had not paid him a visit from Aix, and still more because Prussia, as provided for in the treaties, claimed the supreme command in the federal fortress of Luxemburg; and when the Prussian negotiator now drew attention to the unaccommodating humour of the Belgians, the court of Brussels was profoundly affronted. King William would not hear a word regarding the daily increasing anger of the Catholic Belgians against the Dutch heretics, and was strengthened in his blind arrogance by the English envoy Lord Clancarty, who could not sufficiently admire this artificial kingdom, this masterpiece of English statesmanship. In the view of the high tory, affairs in Belgium were in an admirable condition, and with English modesty he advised the Berlin court that Prussia would do well to follow the good example which the Dutch had given in Belgium, and to rule her new

[1] Protocol Militaire of November 15; Bernstorff to Lottum, November 9; Wolzogen's Memorial, October 17; Boyen's Memorial, November 15, 1818.

provinces in the same exemplary manner; if this were done, there would no longer be anything to fear for Prussian Rhineland! To intelligences of this level it was impossible for Müffling to prove how important Prussia's friendly and neighbourly proposal might become for the preservation of the Netherlands. He spent the entire winter in fruitless negotiations, and returned home in the spring with nothing effected.

Consequently the allies of Aix-la-Chappelle had not been able to carry all their plans to a successful issue. But the most important point had been secured; the Quadruple Alliance remained established, more firmly and more harmoniously established than ever before. France, on the other hand, still continued under the police supervision of the four powers, although, nominally at least, the Parisian conference of ambassadors was now dissolved.[1] At any moment, whenever party struggles in France became threatening, the council of four could assemble, and could immediately proceed to armed intervention in accordance with its preconcerted plan. Richelieu received no more than the confidential information that the Quadruple Alliance was not dissolved, and was careful to avoid disclosing news which would have been so painful to French self-conceit. He had absolutely no idea of the seriousness, or of the comprehensive character, of the preventive measures which had been envisaged; and just as little had he any inkling of the changed sentiments of Czar Alexander, to whom he manifested all possible gratitude. Enthralled with delight, he wrote concerning the Russian monarch, "people ought to kiss his footsteps"; he was not aware that it was precisely this benefactor of France who had first proposed to the allies the constitution of a military committee, and who, in the negotiations concerning military affairs, had, next to the Prussians, displayed himself the most zealous negotiator on behalf of the improvement of the military system of the coalition.

How many humiliations had proud France been forced to endure at this congress. Even after the French minister had been summoned to regular co-operation, the sittings of the Quadruple Alliance were not discontinued. Of the forty-seven sittings of the congress, fifteen, nearly a third, took place without Richelieu's participation. On the anniversary of the battle of Leipzig, the allies held a brilliant festival, attendance at which the French minister and his suite were able to avoid

[1] Minute of the forty-seventh sitting, November 22, 1818.

only by taking a sudden journey. What an extraordinary role was subsequently played by the duc d'Angoulême when he made a brief visit to Aix incognito, in order to return the visit paid in Paris by the two monarchs. The unworthy position occupied by France in the high council of Europe was the natural consequence of the sins of the hundred days; who could take it amiss of the four powers if they did everything they possibly could to avert a new breach of the world's peace, since to this exhausted age peace seemed the greatest of all good things? But it was impossible that a great nation should permanently submit to such derogatory treatment.

In the course of these negotiations there was disclosed the ultimate goal which the czar had in view in all the mysterious transformations of his policy. In addition to the persistence of the Quadruple Alliance, whose efficiency he desired to limit to the handling of warlike eventualities, Alexander also wished to bring about the conclusion of a general European treaty of guarantee. He owed this idea to a bombastic memorial by Ancillon, a private undertaking which the servile scribbler had presumably handed to the czar while the latter was passing through Berlin on his way to Aix-la-Chapelle. In this document, Ancillon extols the Holy Alliance, "this treaty which would alone suffice to endow the present epoch with immortality." And he goes on with his customary prolixity to describe how the two epochs of the balance of power and the revolutionary world-empire had at length been succeeded by the fortunate epoch inaugurated by "the at once simple and sublime idea of the European family." In order to realise this idea, the five great powers must combine to provide all the states of Europe with a guarantee for their existing possessions against any forcible disturbance; and, assembling from time to time in congresses held at regular intervals, must peacefully decree the necessary changes in the *status quo*. "What is to be effected," added Bernstorff in further explanation, "is to endow the translucent soul of the Holy Alliance with a material body, or to wed this immaterial psyche with the truly fertilising spirit of love and justice."

Thus was the phantasmagoria of perpetual peace, which now dominated the mind of the exhausted world, to be materialised under the joint protectorate of the great powers; and in the regular meetings of the five monarchs the concert of Europe was to secure a permanent centralised authority. Europe was

to assume the form of a federal state, to acquire a constitution which was incompatible with the justified independence of the individual states. To this questionable proposal Ancillon added a second which was manifestly impossible of acceptance, one which simply invalidated the system of the joint guarantee of peace, and which threatened to degrade the European protectorate to the level of a tool of reactionary party politics. The memorial demanded that the great powers should mutually pledge one another to maintain everywhere legitimate sovereignty, interpreting this proposition to mean that the alteration of the constitution by the sovereign could never be a cause for the intervention of the great powers, but that such intervention could properly be determined by a revolution, or by any danger threatening legitimate sovereignty. Consequently the great peace alliance would not have as its duty to guarantee rights and peace against everyone, but simply to defend the thrones against the peoples. This was a sinister proposal which was adopted only too eagerly by the policy of Metternich.[1]

For the moment so complete a triumph of the reactionary party was still impossible. Austria and Prussia, indeed, were prepared to engage in a mutual guarantee for the preservation of the European *status quo*, for to a world so greatly desirous of peace all means for maintaining the existing order of affairs were welcome, while Metternich secretly hoped that the general guarantee would impose restraint upon the two ambitious powers which he himself most dreaded, the czar and the Prussian army. Castlereagh, however, vetoed the proposal. He could not venture to lay before Parliament a treaty involving such extensive commitments; the plan was tantamount to the consolidation of the Holy Alliance, and therefore could not fail to redound to the advantage of its initiator, who to the Briton already seemed much too powerful. Moreover, to the policy of the island kingdom, the regular congresses were far from acceptable; the English would agree only to occasional meetings, dictated by circumstances as they might arise. Castlereagh held firmly to this view, and since the two German powers were also forced to admit that the firm Quadruple Alliance, with its clearly defined and easily comprehensible obligations, would secure European peace far

[1] Ancillon, Mémoire sur la Grande Alliance. Bernstorff to Lottum, November 1, 1818.

more effectively than the nebulous Holy Alliance, the discussion of the treaty of guarantee was temporarily postponed. Yet the czar continued to cherish the hope that the tenuous psyche of his favourite plan would some day acquire a material body. In a circular to his envoys, he once more reminded them of the principles of the Holy Alliance, and in taking his departure he expressly declared that he was prepared to join in any treaty of guarantee which any one of the four powers might still be prepared to propose, upon the basis of Ancillon's memorial.[1]

In many other matters the old opposition between English policy and Russian was once more conspicuously displayed. Since the slave trade to the coast of Brazil still continued, England demanded the right for her warships to search all vessels suspected of being engaged in the slave trade. To Russia, however, and to all the other powers, this demand seemed quite immoderate, and Castlereagh had to be satisfied when the three monarchs agreed to write autograph letters to the king of Portugal, exhorting him to abolish the abominable traffic.[2] On the other hand, Russia and Prussia were unable to carry through a proposal for common action against the Barbary corsairs, because England did not desire to see any Russian warships in the Mediterranean. Equally fruitless was an appeal for help from the court of Madrid. The old well-wishers of the Spanish Bourbons, Russia and France, desired that England should undertake to mediate between the king and his insurgent subjects in South America, and should if possible induce the United States to abstain from recognising the new creole republics. Wellington, however, rejected this proposal. He recognised that King Ferdinand did not desire honourable mediation, but simply the re-establishment of his rule in South America; and in the end even this tory government, however little it understood of economic questions, could not completely abandon the traditions of British commercial policy. Through the revolt of the South American provinces, England had gained a profitable field of trade, and it was impossible that she could desire the reunion of the colonies with the Spanish motherland.[3]

[1] Bernstorff to Lottum, November 5 and 23, 1818.

[2] King Frederick William to the king of Portugal, November 7; Bernstorff to Lottum, October 29 and November 9, 1818.

[3] Minute of the eighteenth sitting, October 23; Bernstorff to Lottum, November 19, 1818.

Despite such misunderstandings, which were inevitable in view of the complexity of European interests, the congress of Aix was unquestionably the most harmonious in modern history; the general need for peace and the dread of revolution held the powers firmly together. Moreover, this was in truth a European congress, although the name was avoided. Proudly and securely did the mighty warship of the Quadruple Alliance sail through the waters of the time with the French sloop in tow. Wellington, who now received a marshal's baton from Prussia and Austria as well, and thus held the highest military dignity in all the notable European armies with the solitary exception of the French, also became generalissimo of allied Europe. The monarchs were firmly convinced that their guardianship was a blessing for Europe. Unhesitatingly they dragged every European question before their forum, although they had just assured the states of the second rank that the co-operation of the four was directed only to the unravelling of French affairs; and if it ever happened that any disputed question remained unsettled by their exertions, it was not because they regarded the matter as beyond their competence, but simply because they could not agree among themselves.

Since it was the czar's desire to give the European union the character of a great Christian family in the sense of the Holy Alliance, the congress frequently issued its instructions to the minor states in the form of paternal autograph letters from the three monarchs. Just as the king of Portugal was, in such a letter, admonished to abolish the slave trade, so was the king of Sweden ordered to fulfil his duties towards Denmark. King Frederick William earnestly reminded his northern neighbour of the "bonds of Christian fraternity which exist between all princes and their peoples." But the new house of the Bernadottes felt extremely insecure as yet in this legitimate society of states. For a long time, and always in vain, Charles John had been touting at the Bavarian and other courts in order to secure a consort for the heir to the Swedish throne, and was well aware that the monarchs in Aix-la-Chapelle had just provided an endowment fund for the advantage of the expelled Vasas. For this reason, he hastened to adapt himself to the monarchs' wishes, and at length, after severe struggles, was able to secure that the Norwegian Storthing should, as was proper, take over a portion of the debts of the former Danish united state. He found it hard indeed to force

himself to this step. On one occasion he even endeavoured to protest against the tyranny of the Quadruple Alliance, and on January 7, 1819, wrote to Emperor Francis with Gascon prolixity: "In truth, Sire, I have to ask whether we should not find reason to lament the abyss of misfortune into which the nations and the governments of the second and the third rank would fall, if force should rise superior to the sacred principles of reason and justice, should believe itself competent to override international law, and even to constitute itself at will into a court for the settlement of international disputes, and if in this way a system should come into existence harmonising so ill with those principles of political liberalism for which so much blood has been spilled, and which six years ago united us all against the conqueror who had designed to institute a sovereign supreme power, and to rule over a completely enslaved world." In Metternich's dry opinion, however, these were void discussions; and since the four powers as guarantors of the peace of Kiel demanded only what was right, the Swedish ruler had to give way.[1] Still less ceremony was displayed towards the prince of Monaco; Richelieu was commissioned in the name of the Grand Alliance to exhort this useless petty despot in express terms to adopt a Christian course of life.[2]

Thus there prevailed everywhere the dictatorship of the great powers, considerate in form, and as yet just and peaceful in its aims, but none the less a dictatorship which was burdensome to all who were not copartners. Without deigning to ask the minor cabinets their opinion on the matter, the congress resolved to institute a new order of precedence for diplomacy, ranging down through the scale from ambassador, through envoy and minister-resident, to chargé d'affaires; and this prescription was accepted without demur by all the courts. The treatment of the imprisoned Imperator was also considered, and here the ministers of the czar took the harshest views of all. They rejected any idea of consideration for "the individual in whom the force of the Revolution was embodied"; they declared the prisoner's grievances to be "equally false and childish" (and this was the truth); they unconditionally

[1] King Frederick William to the king of Sweden, November 14, 1818; King Charles XIV John to Emperor Francis, January 7, 1819; Krusemark's Report, Vienna, February, 1819.

[2] Minutes of the forty-second sitting, November 21, 1818.

approved all Hudson Lowe's measures, and demanded the expulsion of the Napoleonides from dangerous places, and especially from Rome, where "these individuals" could do nothing but harm.[1] The other powers were unwilling to go as far as this, and all that was done was to renew the old agreement for strict police supervision of the dangerous family. Finally, the inevitable question of the Jews appeared upon the stage. Russia commended a memorial by a Christian priest which expressed itself in favour of complete emancipation; but since the czar was by no means inclined to realise these philanthropic principles in his own empire, no understanding was arrived at.

Taking it all in all, Metternich could regard this congress as a great success. No doubt now existed, the czar had been converted, and even if at times he went his own way, he no longer manifested any liberal inclinations. It was only Capodistrias who still remained suspect to the Hofburg, and when after the congress he visited Italy he was closely watched by the Austrian police. Richelieu, on taking his departure, had given consolatory assurances, and had even promised a change in the electoral law. Metternich hoped for the best, for, like most of his contemporaries, he greatly overestimated the significance of electoral laws. But the French minister was unable to carry out his word. His own colleague, Decazes, opposed him. A ministerial crisis resulted. Towards Christmas, a few weeks after his successes at Aix-la-Chapelle, Richelieu resigned, and Decazes formed a new cabinet which endeavoured to secure a more friendly understanding with the liberal parties. After the first alarm had subsided, Metternich soon accommodated himself to the altered situation, for the new minister must also know that he stood beneath the sword of the Quadruple Alliance, and that he must not go too far to meet the independents. The Quadruple Alliance, however, was further strengthened by the news from Paris. Czar Alexander, who received the first intelligence of the change when he was in Vienna on his way back to Russia, immediately hastened in a fury to visit Emperor Francis, declared that his regiments would instantly be placed upon a war footing, and he could not be appeased without considerable difficulty.[2]

[1] Russian Memorial concerning Buonaparte (Minutes of the thirty-first sitting, November 13, 1818).

[2] Krusemark's Report, Vienna, December 26, 1818.

Upon Hardenberg's advice, the four powers agreed in the determination to avoid all direct or indirect intervention in the internal affairs of France, but on the other hand resolved to secure their own alliance all the more firmly, for this alliance offered the only dam against the raging torrent which was once more overwhelming the minds of the French.[1] In such a situation, the raising of the revolutionary standard was improbable. Gentz announced with delight to his friends: "The repose of the world is assured throughout a prolonged future." In the *Oesterreichische Beobachter* he pulverised with arrogant scorn Archbishop de Pradt's writing upon the congress of Aix-la-Chapelle, which was certainly an extremely shallow production from the pen of the verbose liberal. When the independents, writing in the Paris *Minerve*, made fun of the disunion among the great powers, he replied (January, 1819) in threatening terms, with an announcement which to the great public seemed like thunder from a clear sky, declaring that, whatever people might say, the Quadruple Alliance, in so far as it was directed against the Revolution, was still in existence!

§ 3. GERMAN AFFAIRS AT THE CONGRESS.

Among the many disputed questions which in a few weeks of arduous work were decided by the congress, there were naturally numbered many German affairs. Many of these fell by rights within the competence of the tribunal of the Quadruple Alliance, because they arose out of the European treaties and conventions of the years of war, but many of the others came before the congress only on account of the incurably unpatriotic sentiments of the German petty princes. Prussia, and also Austria (forced to follow Prussia's lead), loyally maintained the independence of the Germanic Federation, allowing to the Quadruple Alliance intervention in German disputes only when such intervention was legally unavoidable on the ground of the treaties and conventions. At the opening of the congress, an agent of Electoral Hesse appeared, to hand to the three monarchs autograph letters from the elector, and to communicate by word of mouth to the two other great powers that his sovereign was thinking of taking the title of King of the Catti, and humbly begging for the recognition of

[1] Ministerial Despatch to Krusemark, March 6, 1818.

Europe. In Cassel the elector had already begun the construction of a "Cattenburg," which was to serve the new "Catten" crown as a seat of government, but had carefully concealed from his unhappy subjects the cost of these gigantic and never completed building operations. Simultaneously arrived an acrimonious protest from Darmstadt to the effect that if the elector should acquire a royal title, his cousin would claim the like dignity. The powers bluntly rejected the demand, on the ground that "the petition of his highness is not justified by any sufficient reason." The profoundly mortified Hessian ruler considered that it would be disgraceful to follow the example of the reasonable Charles Frederick of Baden, and to exchange for the title of grand duke that of elector which had now become utterly meaningless. He retained the old name, and since the Germans knew nothing about the unsuccessful suggestion to assume the Catten crown, there were plenty of good-natured people who greatly admired the elector because he displayed such touching piety for the venerable memories of the Holy Empire.[1]

The blunt form of refusal was due to Prussian influence, for King Frederick William felt that his personal honour was affected by the elector's misgovernment. During the war, the Hessian ruler had by treaty reacquired his land as a gift from the four powers; the allies had not demanded any formal pledges, but had taken it as a matter of course that he would not absolutely tread the principles of international law under foot. Then came the scandalous cheating of the purchasers of the Westphalian domains! The king's feeling was that he had given a guarantee for a swindler; whilst on his way to Aix, passing through Hanau, he had been besieged with petitions by ill-used peasants, and in Aix further statements of grievances were sent in. Bernstorff reported on the matter to the congress. He declared that this disgraceful traffic with the domains was a European scandal, and demanded that Electoral Hesse, "in accordance with the good example of Prussia," should recognise as legally valid all the acts of the Westphalian government which had been conducted in due legal form. Finally he proposed that first of all the four monarchs should remind the elector of his breach of faith; should this prove fruitless, Prussia and Austria

[1] Private Minute regarding Electoral Hesse, October 11; Hardenberg's Instructions to von Hänlein, Prussian envoy in Cassel, October 14, 1818.

must take common action at the Bundestag. Since England and Russia agreed, Austria could not offer any opposition. King Frederick William sent a sharply-worded letter to the elector: "We are taking action," he said, "only in virtue of a duty which imperiously imposes itself upon our consciences." Emperor Francis wrote in similar terms. Nevertheless it still remained extremely doubtful whether at the Bundestag Austria would, after all, take up the matter in earnest, and it was quite certain that the elector could be brought to reason in no other way than by force.[1] Prussia had just received fresh proof of the incredible presumption of the German minor princes. By the Vienna treaties, the crown of Prussia was obliged to cede sixty-nine thousand "souls" from the former department of the Saar, to Oldenburg, Strelitz, Coburg, Homburg, and Pappenheim; at the same time the four powers had promised their good offices to these five dynasties to facilitate an exchange of a strip of land on the left bank of the Rhine, or any other compensation which circumstances might permit. Strelitz and Pappenheim had been reasonable enough to come to terms with Prussia upon the receipt of money and domains; but Oldenburg, Coburg, and Homburg had not been able to renounce the idea of enlarging their realms, and had in fact received three shreds of the Saar territory, with the number of souls provided for in the treaties. Thus there now came to be numbered among the ornaments in the Germanic Federation's well-stocked museum of political freaks, the double realms of Oldenburg-Birkenfeld, Coburg-Lichtenberg, and Homburg-Meisenheim, three state-structures as wonderful as any that could have been constructed by the imagination of a lunatic. But the terms of the treaty had been scrupulously fulfilled, and no reconsideration was possible, for in the whole of Germany there no longer existed a fragment of masterless land. Nevertheless the three demanded of the congress of Aix that the Quadruple Alliance should induce the king of Prussia to resume possession of their remote Saar territories, and give them in exchange certain more conveniently situated Prussian areas. Oldenburg asked for a good slice of Prussian Westphalia; Homburg, for a strip of land near Wetzlar; Coburg, for a part of County Henneberg; while the widowed husband of the English princess Charlotte, Prince Leopold

[1] Minute of the thirty-second sitting, November 14. King Frederick William to Elector William, November 14. Instructions to Hänlein, November 20.

of Coburg, one of those talented Germans who can change their nationality as one changes a cloak, requested Lord Castlereagh to see to it that England should espouse the just cause of his "poor brother." Even for the long-suffering endurance of Hardenberg, this demand was too much. In an angry memorial he expressed his annoyance, saying that really Prussia had already been partitioned more than enough, and was far from being in a position "to allow her frontiers to be modified and gnawed at as the caprice and convenience of her neighbours may suggest": moreover, as was well known to the allies, the king had "conscientious objections" to any separation from loyal subjects. Of course the demand of the three was rejected, and the house of Coburg had yet to suffer much affliction from the twenty thousand souls of the Saar territory of Lichtenberg.[1]

In the interim, urgent complaints had also come in from the mediatised, and Bernstorff had now to learn how much it signified that Metternich had had the principal article of the German federal act inserted into the final act of the congress of Vienna. The two German great powers were not able entirely to forbid the Quadruple Alliance to intervene in this German dispute which was so closely connected with the European treaties, but nevertheless they were able to restrict such intervention within the smallest possible limits. It was resolved that the Quadruple Alliance should first exhort the courts of Würtemberg, Baden, and the two Hesses (whose conduct had been particularly unjust), to behave in an honourable manner towards the mediatised, whilst further details were to be left to the Bundestag. The house of Thurn and Taxis, which had a strong desire to become sovereign once more, was also referred to the Bundestag.[2]

There still had to be considered that unfortunate dynast who, like the landgrave of Homburg, had been criminally forgotten by the congress of Vienna, the count von Bentinck, lord of the free manor of Kniphausen. Quite recently, by favour of the two great powers, Homburg had been granted a vote in the Bundestag, but the Kniphausener had been less successful. Oldenburg illegally occupied his territory, and shut him

[1] Hardenberg's Memorial concerning article 50 of the final act of the Vienna congress. Minutes of the twenty-seventh sitting, May 9, 1818.

[2] Instructions to the Prussian envoys in Stuttgart and Carlsruhe, etc., November 21; Hardenberg to the princess of Thurn and Taxis, November 15, 1818.

out of his castle, whereupon he sent in a furious protest against the offender, signing it as *immediatus Imperii dynasta*, and raised a turmoil that was worthy of a greater cause. Undoubtedly this was a question concerning Europe at large, since the appurtenance of Kniphausen to the Germanic Federation was not yet settled. For hundreds of years the free manor had been an immediate of the empire, although without *Reichsstandschaft* (the rights of an estate of the empire), and its ships sailed under a special flag; subsequently for a time it had been incorporated in the Napoleonic empire, but it had never been subordinated to any German state, and the pugnacious little lord deserved some consideration because in the fight against the French he had valiantly displayed his glowing courage. And yet a new German federal state, of somewhat less than one square mile [German] in extent, seemed a dubious acquisition; even the admirers of the beautiful manifoldedness of German national life had to admit that a German people required for the development of its national peculiarities at least as much space as was occupied by Liechtenstein with its three and a half square miles. Consequently the powers resolved that Prussia and Russia should mediate between Oldenburg and Kniphausen, and should if possible induce the count to accept an exchange.[1] But Kniphausen's will was stronger than were the wishes of Europe. After working hard for eight years, the mediators secured a treaty by which the federal law was enriched with a new marvel. Henceforward Kniphausen was "a peculiar land" under the protection of the Germanic Federation, a semi-sovereign state with its own flag, but subordinated to the suzerainty of the duke of Oldenburg, precisely as in former days it had been subordinated to the empire. Naturally this compromise immediately gave rise to fresh quarrels; the peculiar land displayed a quite peculiar contentiousness vis-á-vis the Oldenburg overlord, and under the delighted gaze of all the experts in international law there soon came into existence the great Bentinck legal dispute, a masterly tangle of juristic controversies which thrived ever more vigorously in the profound obscurity of the Bundestag, and which for nearly thirty years again and again disturbed the Frankfort assembly with its disorderly commotions, until at length in the year 1854, by a new treaty, the realm of

[1] Instructions of Count von Bentinck to Councillor Mosle, Vienna, April 5 1815. Bernstorff's Report (forty-first sitting, November 20, 1818).

the Bentincks was united with Oldenburg, and the flag of Knip-hausen disappeared from the seas.

The dispute between Bavaria and Baden also came to a temporary close in Aix-la-Chapelle. The relationship between the two neighbours had become so greatly embittered that the grand duke dreaded a *coup de main,* and begged the four powers to deny the Bavarian troops returning from France the right to pass through his land. The powers rejoined that he had no occasion for anxiety, and expressly exhorted the court of Munich to maintain the strictest discipline among the soldiers who were on their way through Baden.[1] Even earlier, Berstett had appealed to the Quadruple Alliance to exercise the powers it possessed in accordance with the treaties for the settlement of the territorial question and the question of the succession; and had declared himself ready to accept certain compensations. He was then invited to Aix, and was simultaneously asked to send a plenipotentiary to the territorial commission in Frankfort. The powers were agreed, as Bernstorff wrote, to "bring the detestable and vexatious affair to a speedy conclusion," if only Baden would propound acceptable conditions.[2] Berstett hastened to Aix, and declared that his sovereign was ready, in exchange for the Austrian enclave of Geroldseck, to cede to Bavaria the little administrative district of Steinfeld in the Tauber valley; and further to cede to the court of Munich a military road to the Bavarian Palatinate, and to settle the long-standing debt of one and a third million florins. At first the Russian ministers regarded these offers as inadequate; Czar Alexander was still wavering between his two quarrelsome brothers-in-law, but Berstett exercised his influence with the czar in personal conversation, even bursting into tears, and since Baron von Stein, who was paying a short visit to Aix as a guest, also vigorously advocated the cause of Baden with the czar, after a few days Russia came over to the legal view which for a long time Hardenberg had considered to be the correct one. The Austrian statesmen maintained their non-committal attitude, declaring in advance that they would agree to anything which the allies could still secure in favour of Bavaria, and in the decisive sitting they allowed themselves to be outvoted.

[1] Hardenberg to Berstett, October 15; to Rechberg, October 15, 1818.

[2] Bernstorff to Lottum, October 19; Hardenberg and Nesselrode to Berstett, October 17, 1818.

Since Prussia and Russia were thus united, and Austria did not offer any open opposition, Lord Castlereagh joined the side of the majority. He did this unwillingly, and in his memorial he plainly manifested his ancient hostility towards Russia. The grand duke, he wrote, has appealed to the magnanimity of the powers, and has thus entrenched himself in the position which is always the most formidable one for a weak state. But Castlereagh admitted that, as far as the legal issue was concerned, he had himself become doubtful, and could no longer understand why, in Vienna and in Paris, the powers had assumed the right of promising the court of Munich the reversion of the Palatinate. The result was that, on November 20th, the Quadruple Alliance resolved to accept Baden's proposals, to cancel all previous conversations regarding the reversion of the Palatinate and of Breisgau, and also to recognise the right of the Hochbergs to the succession; should Bavaria refuse to accept this decision, the Badenese offer need no longer hold good, and nevertheless the above resolution would come into force. At the same time the monarchs, following the patriarchal custom of this congress, sent fraternal letters to the king of Bavaria, exhorting him to display a yielding disposition. King Frederick William did not content himself, as did the two monarchs, with the use of general terms, but, after his conscientious manner, once more explained to the king of Bavaria that Prussia had never recognised the secret articles regarding the reversion of the Palatinate.[1]

Baden had been saved, and just as the French were grateful to the czar as their patron, so also, and with equal reason, did the Badenese extol the Russian monarch as the protector of their land. In actual fact, Czar Alexander had done nothing more for the Badanese state than had King Frederick William, but with dramatic talent he had understood how at the right moment to deal the decisive blow, and after the congress he did not renounce the opportunity of enjoying in Baden the fruits of his activities. In Frankfort he forbade the Badenese envoy to arrange for any striking demonstrations, but he would not prohibit "whatever might be the outcome of the free exuberance of people's hearts." This exuberance

[1] Berstett to Capodistrias, October 28; Capodistrias' Reply, October 29; Russian Memorial, November 10; Private Minute regarding Baden, November 20; Castlereagh's Memorial, November 20; King Frederick William to King Max Joseph, November 18, 1818.

of the Badenese hearts was manifested so abundantly, with the display of so much devotion, that the czar had hardly ever had such an experience even among his own Russians. In every town there were triumphal arches and white-robed maidens; everywhere there were garlands with the inscription "To the saviour of Baden"; whilst in Carlsruhe at night there were general illuminations, though Alexander thought it advisable to remain indoors.[1] Such was the national pride of the South Germans, three years after Belle Alliance. In the patriotic journals there was not to be found a single writer to tell this generation how far it was still from being a nation; the anger of the press was directed solely against Austria and Prussia, which were still held responsible for every evil. Why had they allowed foreign powers to interfere in this way in German affairs? And yet the arbitral decision of the congress of Aix-la-Chapelle was nothing more than the inevitable consequence of the behaviour of the Rhenish Confederate states in the year 1813. Because it was not until after the victory, acting singly, and as sovereign European powers, that these states had, by treaties of accession, joined the Quadruple Alliance, now the Bavario-Badenese dispute was by strict legal right subjected to the decision of the Quadruple Alliance.

The wrath of the court of Munich was manifested no less passionately than the joy of the Badenese. Vainly did Emperor Francis, on the return journey, endeavour to appease his father-in-law; vainly did Metternich and Capodistrias offer to throw into the bargain an additional fragment of Badenese land.[2] The Wittelsbach ruler rejected everything; and Crown Prince Louis, like the king of Sweden, complained of the return of the Napoleonic tyranny, but his anger remained without effect. The plenipotentiaries of the Quadruple Alliance in the Frankfort territorial commission had already received definite instructions to carry out the resolutions of the congress of Aix-la-Chapelle. When the stumbling-block had finally been removed, the work went forward speedily, and on July 20, 1819, the four powers signed the Frankfort territorial agreement, an incredibly laborious work, which after an epoch of wars, secured the territorial delimitation of the German states for long years to come. The court of Bavaria did, indeed, accept the adminis-

[1] Berkheim's Report, Frankfort, November 24; Varnhagen's Report, Carlsruhe, November 27, 1818.

[2] Krusemark's Reports, December 26 and 30, 1818.

trative district of Steinfeld, but entered a protest formally maintaining its extinct hereditary claims to Sponheim and its imaginary right of reversion to the Palatinate, returning to the matter on every possible occasion, so that at a much later date Count Bernstorff had occasion to sigh concerning "cette eternelle affaire de Sponheim." Still, the matter had been irrevocably decided.

In all these resolutions there was a plain manifestation of the honourable intention to maintain peace throughout Europe by securing the right. Nevertheless, the liberal press of Germany and France was not altogether wrong in recounting strange fables regarding the reactionary designs of the Aix assembly. In the confidential interviews between the monarchs and the statesmen there is no doubt that the first plans were discussed for the campaign against the German reform party. Foreigners were disgusted at the febrile condition of affairs in Germany; the entire structure of the Viennese treaties reposed upon the political nullity of this nation; and the idea of German unity, even when it found expression only in the foolish mouths of hot-headed students, was universally obnoxious. All foreigners agreed with Gentz in considering that while "the reaction of 1813" had indeed in France brought the revolutionary movement to a momentary stand-still, in other states, and especially in Germany, it had first awakened these elemental forces. General approval was expressed of a *Memorial concerning the Present State of Affairs in Germany*, which the czar communicated to the congress. Its author, Stourdza by name, a gentle and melancholy young Wallachian, had recently sent Alexander a fantastical work glorifying the Greek church, and had subsequently visited some of the German universities. The timid man had been alarmed by the outspokenness of our academic life; he believed that throughout Germany a convulsive condition of unrest prevailed, and that he could detect among the students the existence of a revolutionary movement directly aiming at a unified state; and in the name of religion and morality he demanded severe measures against the universities. These "Gothic vestiges," these states within the state, were to be deprived of their ancient charters, the students were to be treated as minors, and were to be forced to follow a fixed curriculum of studies; since unfortunately the freedom of the press could not be completely suppressed,

at least the bad books and newspapers must be removed from the hands of youth. This well-intentioned and extremely unimportant essay secured, though not perhaps in all points, the approval of the czar and of the Austrian statesmen, but the Prussians held that the youthful enthusiast resembled a blind man discoursing about colours.

Now, however, the private memorial was suddenly published by a Parisian firm, probably through the fault of Hardenberg's unsavoury entourage, and a storm broke forth in the universities louder and more savage than had a year before been the chorus of rage against Kotzebue. Here was the third semi-Russian to attack the German students! Krug, the Leipzig philosopher, took up his ready-writing pen, and entered the ranks as a literary opponent; the Burschenschaft of Jena resolved to chastise the Wallachian, and that he might not be able to take refuge behind considerations of caste they had him challenged by two young counts who were members of their association. Stourdza refused to accept the challenge, on the ground that his essay was an official memorial, and he hastened to quit the inhospitable soil of Germany. This terrorist conduct on the part of the students, which, after all, was not discordant with ancient customs, aroused fresh alarms at the courts; Gentz henceforward firmly believed that in Jena there existed a secret Fehmic corporation which despatched its assassins all over Germany. To the general misfortune, Kotzebue threw fresh fuel into the flames when he gave people definitely to understand that Stourdza's memorial expressed the czar's personal views. Henceforward all the students were under the illusion that the German reaction was engineered from St. Petersburg; their hatred against Russia no longer knew any bounds, and the trivial jester of Weimar, to whom the Jena folk ascribed a powerful influence in Muscovite policy, was abused and threatened to such a degree that he determined to migrate to Mannheim.

There was absolutely no ground for the young men's suspicions. At the congress, Alexander had carefully avoided making any proposals in matters of German federal policy, and did no more than Richelieu and Wellington had done in casually expressing his anxiety regarding the German revolution. Since his sudden conversion, the leadership of the Quadruple Alliance had really been transferred to the Hofburg, although the prudent Austrian statesmen gladly allowed the czar to

continue from time to time to play the role of leader before the world. In Germany, as in Europe, Metternich was the head of the reaction, and while still in Aix, did everything he could to detach Prussia from liberalism. In friendly conversations he pointed out to the chancellor how threateningly the spirit of pretentious knowledge and reckless criticism was gaining the upper hand among the Prussian officials; while the arrogance of the students and the lack of discipline of the press were also serious dangers. Hardenberg discussed these matters with Bernstorff and Altenstein, who were summoned to Aix, and since neither of them could deny that all was not as it should be, Hardenberg promised his Austrian friend that the crown would take steps to deal with the evils.[1]

Less fortunate was a half-hearted attempt on the part of Metternich to thwart the Prussian customs reform before it had passed into operation. The urgent economic grounds which had led to the inauguration of the new customs-law completely escaped the attention of the Austrian statesman. His ignorance of all economic questions was positively astounding, and he never realised this defect himself, for in accordance with the old traditions of the Hofburg these purely bourgeois matters were quite beneath the dignity of an Austrian nobleman. Even Gentz, who years before had had an intimate knowledge of financial matters, had in the course of his one-sided diplomatic activities in Vienna gradually lost his sound understanding of the problems of political economy. Just as during the Napoleonic days he had sent forth to the world preposterous sophisms regarding the national debt of Great Britain because the English alliance harmonised with Austrian interests, so now he wrote equally perverse essays regarding the flourishing condition of Austrian finance. Since Austria could not take part in a German customs-union, he condemned all plans aiming at the formation of such a union as cobwebs of the brain, as childish attempts "to change the moon into a sun." No one in the Hofburg had any inkling of the national significance of the Prussian customs-law. But Metternich dreaded everything which could favour the unity of Prussia, and scented revolutionary designs behind a reform which proceeded from the suspect privy-councillors of Berlin. Moreover, he honestly regarded his state as an exemplary one. This loose association of semi-independent crown-lands, and the churchyard repose

[1] Hardenberg's Diary, January 11, 1819.

which brooded over the chaos, harmonised with his own inclinations, and it delighted him to perceive to what an extent the patriarchal happiness of the peoples of Austria aroused the envy of most of the courts. The Austrian provincial tolls, which separated the crown-lands of the monarchy one from another, seemed to him all the more admirable because he was completely ignorant of the details of these wise institutions. For these reasons he gave Count Bernstorff a fatherly warning about the confusions which customs reform would evoke, reminding him of the failure of Joseph II's attempts at centralisation, describing in eloquent terms the advantages of the Austrian internal tolls, and expressing the good-natured opinion that for Prussia also provincial tolls would be best; in this way the state could be preserved from having to undertake troublesome negotiations with the neighbour states.[1] Bernstorff and Hardenberg, however, deliberately rejected all such advice.

As far as the chancellor was concerned, Metternich's reiterated friendly warnings against carrying out the work of constitution-building fell also upon barren soil. The Austrian statesman speedily perceived that Hardenberg was pursuing his constitutional plans in earnest. All the more zealously, therefore, did Metternich endeavour to secure the king's favour. Frederick William had hitherto regarded him with tacit mistrust. He could not forget that Metternich had betrayed the Prussian state in the matter of Saxony, and the German nation in the matter of Alsace. Here in Aix, for the first time, he vouchsafed the suspect a confidential approach. The king obscurely recognised what a sinister spirit was at work among the German youth, and since he was unable to grasp the extent of the danger, he desired to secure trustworthy information and a firm prop of support. He could get no help from his Russian friend, for the czar was in a similar position of indefinite anxiety. The aging chancellor displayed a distressing picture of physical and moral decay. At the congress, Hardenberg played a subordinate part, leaving the conduct of affairs for the most part to Bernstorff, and the king noted with profound displeasure how Hänel the sleep-walker practised her arts before the high council of Europe, and how Koreff the thaumaturge took part in political audiences with

[1] In the year 1828, after the conclusion of the Prusso-Hessian customs-union, when Metternich advanced these views to the envoy von Maltzahn, Count Bernstorff remarked that precisely the same views had been urged upon him by the Austrian chancellor during the congress of Aix. (Maltzahn's Report, Vienna, April 14, 1828.)

all the bumptiousness of the Jewish parvenu. It was only Metternich who seemed firm, vigorous, and self-sufficient ; he alone knew what he wanted. His demeanour expressed the consciousness that he ruled the quietest, the best-secured state in Europe. He delighted now to repeat Talleyrand's saying : " Austria is the supreme head of Europe ; so long as it continues to exist, it will enforce moderation upon the rabble." In the previous year, out of deference for the German crowns, he had wished to allow the constitutional movement free play. Now there was no longer any idea of such a step ; since the Wartburg festival, the German Jacobins had dropped the mask, and it was necessary to declare open war against them.

In repeated conversations he continued to assure the king that in his own sacred conviction the revolutionary party had its acropolis in Prussia ; the revolutionary conspiracy ramified throughout the highest circles of the army and the officialdom ; the fate of the world now lay in the king's hands ; the disturbance would inevitably spread all over Europe if the government of Prussia should follow the example of the petty courts and concede to the Prussian people a " demagogic constitution " after the Bavarian manner. He could not fail to perceive that his words made a certain impression, but to his emperor he complained of Frederick William's lamentable weakness, for the common sense of the king made it impossible for him instantly to accept all the illusions which were the outcome of the Austrian dread of bogies. Meanwhile Metternich also endeavoured to win over to his views Councillor Albrecht, a loyal hard-working ultra-conservative official, and called in to his aid the most trustworthy of his Prussian friends, Wittgenstein. From Aix, on November 14th, he sent the prince two great memorials " concerning the situation of the Prussian states." The design was that, at the right moment, both these documents should be laid by Wittgenstein before the king, but for form's sake they were confidentially communicated to Hardenberg as well. From Aix-la-Chapelle, said the Austrian statesman subsequently, people will some day date the salvation of the Prussian monarchy !

Amid all the work of Metternich's pen, the memorial upon the Prussian constitution displays most plainly his lamentable poverty of ideas, for it was only by his diplomatic cunning, by the favour of fortune, and by the timidity of the other courts, that for an entire generation this man was enabled to deceive the world regarding his essential nonentity. He had not the remotest

understanding of the fundamental difference between the political tasks imposed upon a national state like Prussia and upon a jumble of peoples like Austria. With the true-heartedness of an anxious friend who could never divorce his destiny from that of Prussia, he explained to the king that the internal situation of the two German great powers was substantially the same; both monarchies consisted of "disparate provinces." That this was not the case, that Prussia had long possessed a centralised administration, was quite unknown to the Hofburg. The Austrian court could conceive of a powerful state in no other form than that of loosely associated hereditary dominions, and Emperor Francis was never tired of enunciating his favourite principle, "the constitution of a monarchy out of different bodies can serve only to strengthen it."

In Metternich's view, "the Austrian kingdom would be even more suited than the Prussian for a purely representative system, were it not that the difference among the peoples of Austria, in respect of language and customs, is too great." But how could that thrive in Prussia which it would be impossible to carry out in Austria? The introduction of a "central representation" in Prussia would consequently be "pure revolution," it would undermine the military power of the state, and lead to the destruction of the realm. Owing to the representative system, dangerous dissensions had already arisen between Belgium and Holland, which were so much better adapted for a joint life than were the Prussian provinces! For these reasons the king would do well to content himself with provincial diets (a piece of advice which had unquestionably been prearranged with Wittgenstein), and these diets should receive no more than the right of petition, the right of stating grievances, and the right of assessing direct taxes. Only in the extreme case, since a public promise had been made, some day in the future a centralised deputation might be summoned from these provincial diets, three representatives from each province, so that there should be a united Landtag of twenty-one members—a worthy counterpart to that exiguous Reichsrat which, shortly before, Metternich had recommended for his own Austria. "And yet," he added significantly, here unquestionably expressing his true opinion, "would not this comparatively restricted plan lead also to revolution? It would be well for your majesty to ponder this question deeply before coming to a decision."

In the detailed application of his proposals, this counsellor

displayed an ignorance of constitutional law which would certainly have served to ensure the failure of any youthful Prussian barrister in the examination for an assistant judgeship. He knew nothing about the new provincial subdivision of the Prussian state, nor yet about its earlier historical constituents, and it was manifest that he must have regarded even the study of the map as inappropriate to his station. It was for this reason that he constructed out of his own imagination seven Prussian provinces, among which the Mark of Brandenburg included Pomerania, and the duchy of Westphalia included Berg. In matters of provincial administration, he summed up his wisdom in a single sentence, "Every province has an upper and a lower administrative authority." Still more remarkable was the novelty of the political considerations upon which his proposals were based. Even the rigid conservatives of the old school in Berlin did not conceal from themselves that there was only one manifest objection to the system of provincial diets, namely, that eight or ten provincial Landtags, in the absence of the counterpoise of a national assembly, should they become too powerful, might readily endanger the unity of the state, and especially that of the army (indeed, the Poles had already for a long time been clamouring for a provincial army for the grand duchy of Posen). But Metternich put forward the incredible view that a Prussian national assembly would dissolve the army into "seven separate heaps of people." A second memorial recommended the dissolution of the Burschenschaft, the complete suppression of the gymnastic cult (this "ulcer," as Gentz was in the habit of calling it), and, finally, at the Bundestag, common measures on the part of the two great powers for the control of the press.

Extensive as were the weak points of the constitutional memorial, its composition was none the less a clever move in the diplomatic game. Metternich knew how much stress the king laid upon the technical efficiency of the army, and therefore again and again in his work solemnly repeated a warning which, unfortunately, was not devoid of foundation, saying that the liberal party detested a standing army, and would not rest until the Prussian Reichstag had transformed the army into a national militia. He hoped that his words would not miss their mark. Hardenberg was under the delusion that he could follow Metternich's policy for a certain distance, and then abandon it when it seemed good to him. He was willing to agree to everything the Hofburg wanted, to adopt strong measures against the gymnasts,

the students, the press, and even the Prussian officials. But there was one thing which they should not touch, his work for the constitution. The old statesman had absolutely no idea that, in the views of many of the Viennese, he himself had long before been thrown on to the scrap-heap, while others regarded him with suspicion as the chief of the Prussian Jacobins. Should he now help to raise the sluices and let out the pent-up waters of reaction, the resulting torrent might very readily sweep him and his constitutional plans away with the rest.

CHAPTER IX.

THE CARLSBAD DECREES.

§ 1. VACILLATION IN BERLIN. FIRST CONSTITUTIONAL EXPERIENCES IN THE SOUTH.

At the opening of the momentous year 1819, the Hofburg was firmly resolved to wage a war of annihilation against the constitutional movement; as Metternich wrote to his wife, "this terrible czar Alexander" no longer stood in the way. In view of the inertia of the Bundestag and of the incredible complexity of German interests, it was still extremely doubtful whether the constitutional movement would succeed in carrying with it the Prussian state and the petty courts. The liberals had done their best to further the plans of their enemies; the nation had become affected with one of those febrile paroxysms of bilious vexation and indiscrimate criticism, which recur from time to time, and always to the disadvantage of the healthy development of our state. Extraordinary rumours ran to and fro, and found universal belief, even before any of the liberals had been touched. The press devoted itself to sinister descriptions of the hopeless slavery of Germany, and was never weary of painting the devil of reaction on the wall, painting him so vividly that his figure really seemed alive.

Out of every trifle the petty arts of the critics constructed new material for fanatical accusations. When two Prussian lieutenants, losing their tempers, treated some Landwehr men with a certain violence, and when the trifling excess of zeal was subsequently visited with appropriate punishment by a court-martial, the *Isis* screamed: "What a disgrace! If it were not that a better world beckons us in the west, who would hesitate any longer, who would not be proud to follow Cato's example?" Anyone who entered into any relationships with the government was regarded as a traitor. At Christmas, 1818, Steffens was summoned to Berlin by the chancellor, in profound secrecy, and

was there confidentially asked if he knew anything regarding political intrigues on the gymnastic grounds. As an honourable man, he made answer that his attacks had related only to the moral aberrations of the gymnasts, to their arrogance, to their rough ways, but that he had no reason to believe that they were engaged in political conspiracies. Yet hardly had his visit to the chancellor become known, when he was overwhelmed with fierce reproaches by the gymnasts, and, without being allowed to utter a word in his defence, he was excluded from the circles of the patriots; during the rest of his life he was unable to cleanse himself fully from the stain of this unjust suspicion, and was never again on satisfactory terms even with his old friend Schleiermacher. Thus a gloomy, groundless, and aimless mistrust came to divide the nation and the throne, which had so recently and so chivalrously joined in a holy war. The fresh wind of a new war might readily have dispersed the clouds of ill-feeling, but in the thick atmosphere of these weary times of peace, the sense of moroseness increased day by day.

Meanwhile the chancellor had already taken the first step to fulfil the promise which in Aix-la-Chapelle he had given to his false Austrian friend. On January 11, 1819, Hardenberg, surprised the ministry of state by the despatch of a royal cabinet order, a comprehensive document, which expounded the monarch's benevolent intentions, but also his serious anxieties, in nineteen folio pages. Hitherto, the king declared, he had always reposed upon the admirably proved loyalty and self-sacrifice of his nation; but now his duty as ruler made it incumbent upon him "to take vigorous measures" against the spirit of unrest which had been awakened by the prolonged political tension of the years of war, which still continued to operate, and which still displayed its monstrous dissatisfaction in "the passionate pursuit of indefinite aims."

The order went on to describe how personal quarrels and party disputes had gained the upper hand among the officials, how disdainful cavilling at the public services had become continually commoner, and was even accompanied with infringement of the duty of official secrecy (a well-justified reproof, for everyone knew that many of the newspaper articles describing the crimes of the Prussian state with passionate exaggeration were penned by Prussian officials). "The ministry knows," continued the king, "that it is my intention to give a suitable representative constitution"; but it was an essential accessory "that the

administration should be respected." Nor was the ministry itself entirely above reproach. The ministerial council met too rarely, the conduct of affairs was becoming slack, "in essential points a ministry must be unanimous." Thence the order passed to consider the fallacious tendencies of public education, whereby young men were admitted to participation in public life too early. "All that had hitherto been no more than the mischievous tricks of young people, now received the stamp of an endeavour to intervene in public affairs." Consequently the king demanded closer supervision of educational matters, and more careful choice of professors for the universities; instruction in gymnastics must be associated with the schools, and strictly limited to exercises that would harden the body. In conclusion, the monarch alluded to the press in measured and quiet terms, saying: "It is extremely undesirable that a zeal for the improvement of the country should be confounded with a fondness for mere innovation, and should become a prey to a revolutionary tendency"; in view of the many excesses on the part of the newspapers and of the improbability of a federal press law, a Prussian press law seemed indispensable. The king awaited suggestions from the ministers concerning all these questions, and also concerning the proposal for a proclamation to the nation; each individual minister was to submit his views in writing. On the same day, Altenstein, as president of the council of state, received orders that the proceedings of this high authority, which was now engaged in discussing the new tax laws, must be safeguarded against party feeling and personal quarrels, lest "degeneration of things good in themselves, should ensue." [1]

This was the first occasion on which the king had demanded from his ministers their views concerning the general internal situation; unquestionably he took this step with the excellent intention of averting from his nation a forcible reaction. None of the evils to which he called attention could be entirely denied; none of the remedial measures he indicated could be absolutely rejected. The long-designed reform of the ancient press legislation could no longer be postponed; the association of the gymnastic grounds with the schools offered the safest and mildest means of moderating the arrogance of the gymnasts; an open address from the monarch to his officials might diminish many of the aberrations of the critical spirit of the North Germans. If

[1] Cabinet Order to the ministry of state, January 11; to Altenstein, January 11, 1819.

the ministers honestly desired to appease the excessive anxiety manifested in certain sentences of the cabinet order, the demand of the king and of the chancellor must be met on their part by definite, reasonable, and practical proposals. A speedy decision was all the more necessary because some of them were aware how far the thoughts expressed in the cabinet order fell short of the secret designs of the court of Vienna. But how could the avowed enemies, Boyen and Schuckmann, Klewitz and Bülow, come to a speedy agreement upon this important issue?

Since the partial change of ministry in November, 1817, the ministers had almost completely ceased to co-operate as colleagues. As the chancellor's deafness made it impossible for him to act as president in the ministerial council, each minister was accustomed to deal independently with the affairs of his own department and, in case of need, to ask Hardenberg to decide. Not one of them was prepared to deal with an enquiry so comprehensive as that now made by the king. Their opinions were sent to the ministry of state very slowly, the last not being handed in until May.[1] Not one of these memorials displayed any morbid anxiety; even Count Bernstorff, who expressed himself more anxiously than the others, modestly admitted that as yet he knew little of Prussian questions. Most of the ministers considered that the picture which the cabinet order presented of internal affairs was altogether too gloomy; they expressed their confidence in the good sense of the people and of the officials, and advised against a public proclamation, which could not fail to have a depressing effect. Even the rigidly conservative Schuckmann considered that the best means of tranquillising public opinion would be to hasten the work of establishing the constitution. The most liberal spirit of all was displayed by the minister of war. "What," he asked with soldierly frankness, "would Frederick the Great have thought if he had paid attention to the table-talk of his most faithful generals?" He demanded a press law without a censorship, with punishments for offences after they had been committed, declaring: "Should Prussia proceed with the legislation which since the year 1806 has developed among us in accordance with your majesty's command, should we endeavour to avoid all needless delay in the completion of this legislation, then every upright man can wager his

[1] Opinion from Schuckmann, January 20; Bernstorff, beginning of February; Boyen, February 12; Klewitz, February; Altenstein, March 1; Lottum, March 4; Bülow, March 5; Beyme, undated; Kircheisen, May 2, 1819.

head that the Prussian state will be able, not merely to get through the dangers of the time quietly, but also to encounter them victoriously, without any over-anxious preventive measures."

In matters of detail, the proposals diverged widely, for everyone had selected this or that question from the cabinet order as he thought best. Even regarding the main question of the slow conduct of business by the ministry, and concerning the peculiar intermediate position occupied by the chancellor, three only of the ministers gave an answer, Kircheisen, Bülow, and Beyme, the last-named demanding with especial emphasis that the chancellor should be the head of the ministry, saying, "Without this, all other changes would be vain." Notwithstanding the respectful sentiments they expressed, the nine opinions gave a general impression no less confused and confusing, than that which shortly before had been furnished by the opinions of the notables concerning the constitution; nor was there among the ministers a single one strong enough to compel the others to combine this medley of subjective views into a comprehensive deliberation, to lay before the crown a definite resolution, a common proposal. The important piece of work proved fruitless; in seven months the king had, after all, not received any answer, and found that his reproach that this ministry lacked unity had been fully justified. Thus the perplexity of the ministry led to the waste of the favourable moment in which the policy of prosecution and suppression might still perhaps have been averted by certain measures of reasonable severity.

Since nothing was heard from the ministers, Hardenberg set to work on his own account. As early as January 11, on the very day on which the cabinet order was sent to the ministry, Altenstein had received instructions that the author of the *Spirit of the Age* was to be admonished on account of his new volume. Count Solms-Laubach undertook the commission with manifest reluctance, discharging it as considerately as possible. Arndt assured the chancellor in a straightforward letter that he regretted a few "untimely and exaggerated things" in his book; but his intentions had been good, his loyalty was inviolable, and he owed the admonition solely to the denunciation of his deadly enemy, Privy Councillor Kamptz. In March there followed the temporary closing of the gymnastic grounds throughout the monarchy, the "Turnsperre," as Jahn called it. This step was unavoidable after the excesses of recent months, but was in no wise intended to lead to a suppression of gymnastics. It was merely

proposed that the gymnastic lessons should be introduced into the regular school curriculum, and that then the gymnastic grounds should be reopened; the proposal for a general gymnastic ordinance had already been drafted in the ministry of education, and had been sent in to the monarch for his signature.

On March 30th, Hardenberg ordered the ministers to nominate a commission to elaborate the press law; the measure of freedom or restriction which the Prussian state might allow to the press would have a decisive influence upon the decision of the federal assembly. The referendary of the commission, Privy Councillor Hagemeister, an able lawyer formerly in the Swedish service, was an opponent of the censorship, and since Privy Councillors Nicolovius and Köhler also desired to recognise the freedom of the press, at least as a general rule, a reasonable proposal might be expected from the commission, although Ancillon was its fourth member. Nor was there anywhere an arrest in the general reform policy of Hardenberg. In the summer, when the Rhenish court of appeal was opened in Berlin, President Sethe and Procurator-general Eichhorn expressed the hope that the Rhenish oral procedure, which was in truth Old German, should it here answer the test, would ultimately become the keystone of the Frederician reform in the administration of justice. Even the *Preussische Staatszeitung*, which Stägemann, Stein's faithful collaborator, had been bringing out since the new year, announced everywhere that the government had in many respects more liberal views than the nation; it defended the new economic reforms against popular prejudice, and if from time to time it made an onslaught on the liberals, this was, as a rule, only on account of their particularist arrogance, as for instance when Mallinckrodt in Dortmund, or some other Rhenish Westphalian writer, had used an unduly coarse phrase about the Wendish characteristics of the old provinces.

Simultaneously with the issue of the cabinet order of January 11th, Wilhelm Humboldt was summoned to the ministry, a determination which seemed of the best augury for the progress of the task of constitution-building. In November, Humboldt had been summoned to the congress of Aix-la-Chapelle, in order to report on the Bavario-Badenese negotiations, on which he was extremely well-informed as a member of the Frankfort territorial commission, and also to receive instructions concerning the territorial settlement. In Aix his vexation concerning Bern-

storff's appointment was plainly manifest, for he would certainly not have refused the portfolio of foreign affairs, notwithstanding his feelings about Schuckmann and Wittgenstein. He begged the king to relieve him of his post in London ;[1] after the Frankfort business had been settled, he wished to devote himself to science in the quiet of his park at Tegel, participating merely in the proceedings of the council of state. Thereupon Witzleben assured the monarch that Humboldt's rich culture and his editorial talent would enable him to render incalculable service in the constitutional deliberations. The king was favourably impressed with the idea, and even Hardenberg thought it advisable to appease his rival by a ministerial post ; he feared, and said as much openly to Humboldt, that in the council of state the latter would assume the leadership of the opposition. It was consequently determined to divide the ministry of the interior into two parts. The ministry of police was abolished, being united as one section with Schuckmann's department ; in return, Schuckmann was to cede the administration of representative and local governmental affairs to Humboldt, as a special ministry. Wittgenstein remained a member of the ministry of state, dealing only with the affairs of the royal house, so that in an unassailable position he could await the further course of affairs, and could at any time withdraw into his non-political office.

According to the king's intention, Humboldt was to deal with the affairs of local government, to treat with the old Landtags concerning their debts and their systems of poor relief, and, finally, to lend a helping hand in elaborating the details of the communal, provincial, and national constitutions. The final drafting of the proposal was reserved by Hardenberg for himself, this being his legal right and his duty as chancellor ; since all the departments which he had at one time personally controlled had been handed over to specialist ministers, there was reserved for himself no more than the supreme conduct of the general administration, and this would become an empty form if the drafting of a constitution were to be committed to the hands of a specialist minister. A cabinet order, couched in the customary laconic form, communicated to the new minister intelligence of his appointment, for, according to the laws of the absolute monarchy, the appointment to a ministerial post was a royal command, like any other command that every active servant of the state must unhesitatingly obey. In a friendly letter,

[1] Humboldt's Petition to the king, Aix, November 13, 1818.

Hardenberg gave a definite intimation that he was now working at the constitutional plan, and thought of submitting his proposal to his new colleague at a later date.[1]

Nevertheless Humboldt completely misunderstood the king's purpose. He believed that he himself was to send in a constitutional proposal, first to the ministry and then to the monarch. He expressed his profound thanks for the proof of royal confidence, declared himself ready "to devote his whole existence to this business," but begged for permission to visit the capital, saying that there only could he look into matters and formulate his plan (January 24th). When this letter to the king, and a second in similar terms addressed to the chancellor in person, reached Berlin, Hardenberg's long-repressed anger broke out into fierce flame. He considered that the prerogatives of his office were being infringed (for in his letter to the king Humboldt had not given a thought to the rights of the chancellor), and on his own initiative issued a sharp cabinet order (January 31st) which briefly and strictly explained to the minister his new sphere of activity.[2]

Humboldt now determined to write a second detailed letter to the king, which was tantamount to a declaration of war against Hardenberg. He once more begged for his recall from Frankfort, so that he might secure information in Berlin, and might thus be enabled to express his views. His chief anxiety, he said, was to know whether he was to be granted the independence of a responsible minister, whether he was to have the right of reporting directly to the monarch concerning all the affairs of his department. Hardenberg replied in a marginal note whose passionate tone differed notably from the customary urbane speech of this man of refined sensibilities. Here he had to do with his deadly enemy, the only opponent whom he detested beyond the possibility of reconciliation. "What does he want! Why does he write at such length?" he asked again and again. The acclamations of the newspapers, which had in advance hailed the new minister as the father of the new Prussian constitution, had increased the chancellor's anger to the breaking point. But he was in the right, for though the cabinet order of January 11th had just empowered the ministers to discuss the affairs of

[1] Cabinet Order to Humboldt, January 11, 1819, with accompanying letter from the chancellor.

[2] Humboldt to the king, January 24; to Hardenberg, January 24; cabinet order to Humboldt, January 31, 1819.

their departments with the king in the presence of the chancellor, the constitutional proposal could not possibly be regarded as the concern of a specialist minister. "Here," wrote Hardenberg, "we have to do with a matter which dose not yet exist, which in your majesty's own views can be dealt with as only in its elements, and concerning which your majesty can seek counsel where you will. Let the king decide whether I am indispensable or not. So long as your majesty regards my services as useful, I shall, as is my duty, retain within my own hands the authority delegated to me." The king decided in the sense of the chancellor's note, and in a few severe words commanded the minister (February 17) to explain himself immediately if he desired to remain in the royal service. Humboldt replied submissively (February 27): "It would be in opposition to all my sentiments to do anything else than devote my best services to your majesty, so long as in the remotest degree it remains within my power to do so." [1]

It was amid such manifestations of mistrust, and even of disfavour, that Humboldt was called to the councils of the crown. He was profoundly mortified, and justified his determination to his friends by explaining that he would not display himself to his king as refractory, and considered it his duty at least to make a trial.[2] But he did not here express the whole truth. He must have known that by his last letters he had for ever broken with Hardenberg. If, in spite of this, he accepted a position whose restricted authority seemed inadequate to his talents and to his self-respect, it could only be with the intention of carrying on the campaign against Hardenberg within the ministry, until the chancellor's power had been broken. It was soon to become plain that he was really pursuing this plan. Temporarily he had to remain in Frankfort well on into the summer, in order to conclude the territorial agreement. In this irritable mood, he complained to his friends that he was intentionally kept away from Berlin, in order that the chancellor might be able to complete the constitutional plans without his assistance. What a strange spectacle did the Prussian monarchy offer in these momentous days when Austria was arming herself for a decisive blow. Throughout the provinces the administration was exemplary, but in the central organisation of the state hopeless

[1] Humboldt to the king, February 11, with marginal notes by the chancellor. Cabinet Order to Humboldt, February 17; Humboldt's Reply, February 27, 1819.

[2] Humboldt to Motz, March 18, 1819.

confusion prevailed. The ministry could give no answer to the king's urgent questions, and between the two most notable of Prussian statesmen there existed irreconcilable enmity, which must inevitably lead to the fall of one or the other.

This struggle between Hardenberg and Humboldt appears all the more unedifying since they held almost precisely identical views regarding the principles of the constitution. Whilst still in Frankfort (February 4), Humboldt drew up for Baron von Stein a great memorial concerning the plan for a constitution, which accorded in all essentials with the ideas of the chancellor. What an advance, however, had Humboldt's richly endowed spirit made beyond the social idealism of his youth! He still expressed his hostility to the "fureur de gouverner," but it was not now the power of the state which he wished to restrict, but the power of the officialdom. He no longer considered it the task of the burgher to safeguard the power of free association against the onslaughts of the state, for he now believed it to be the burgher's moral duty to participate on his own initiative in the administration. Thus only could the moral development of the individual be perfected; thus only could the state acquire a living interconnection with the national spirit, and secure the energy which would enable it in the hour of danger to support itself upon moral forces. It was only the recognition of this inner necessity, and not any outward regard for royal promises, which could justify the venture of restricting the monarchical authority. Thus this Kantian, too, had become filled with that fruitful idea of the historical view of the state which generated the struggle against the Napoleonic world-empire. He knew, too, how to conceive the present with historic vision; how in the phenomena of the moment to distinguish the living from the dead. No one understood as did he, the wisdom of the Hellenes, who termed the statesman the practical historian. Like all the intelligent men of Stein's circle, he wished to base parliamentary government upon the self-government of the communes, circles, and provinces. Like them, he demanded a subdivision into three estates, although the excessive development of the middle classes, and the disappearance of the old class differences, did not elude his keen insight. Like them, he desired that the centralised representative body should have legislative powers, and that the provincial diets should have administrative duties.

In Humboldt's view "there is no question of arbitrarily introducing something new, but simply of rendering possible the

revival of what has been casually and illegally suppressed." He knew that all enduring constitutions have in their beginnings a somewhat amorphous aspect, and he therefore desired to preserve with care the rights of the old estates, even if this should somewhat disturb the symmetry of the new edifice. But he also saw that the feudal territories, if simply on account of their smallness, could no longer maintain their existence in the great state, and he therefore demanded provincial diets for the new districts, under the government of lord-lieutenants. Provincial diets without a national diet seemed to him to threaten the unity of the state, and to endanger also the rights of the estates, for, he said, with a seer's vision, provincial diets can receive only a deliberative voice, whilst a genuine representative system carries with it the right of initiative. The unity of the monarchy seemed to him of such importance that he demanded direct elections for all representative bodies; a national assembly elected by the provincial diets could not shake off "the corporative spirit," *i.e.* particularism. In certain passages we can still recognise the inadequate political culture of the time, as in the proposal that the urban communes should once more be subdivided into corporations, and in the prophecy that in the governments the principle of reform, whilst in the estates the principle of conservatism, would always predominate! Nevertheless the memorial is incomparably the greatest and profoundest contribution of that decade to the question of constitution-building. The principal difference between Hardenberg's views and those of Humboldt is displayed in the latter's earnestness of will. He imposed a definite time-limit for the reform (a step which the exhausted chancellor no longer ventured to undertake), desiring that the central representative body should assemble at latest in 1822 or 1823. On the other hand, he showed more consideration for the old estates than Hardenberg was inclined to do, remaining in faithful alliance with Stein, and frankly recognising the element of justice in the feudalists' claims.

But here there was no ground for serious quarrel. If the two statesmen could come to an understanding, in Humboldt's hands a thoroughly viable constitutional proposal might come into existence, and the minister would unquestionably have obeyed the command of the king, who had already decided in favour of estates with no more than a deliberative voice. It would, indeed, have been impossible for Humboldt to conduct the business permanently, for politics, in his case, never absorbed his

whole life; but nowhere could have been found a more richly stored intelligence, nowhere a more skilful pen, for the elaboration of the plan. Unfortunately, after all that had happened, the confidential collaboration of the two rivals had become absolutely impossible. Without vouchsafing the minister any further communication, the chancellor worked at his own scheme, and on May 2nd laid before the king the first draft, which in a concise form already contained all the essential ideas of his subsequent constitutional proposal.

Upon the 3rd, the king commanded the formation of a small constituent committee.[1] Since no one had any inkling of these private deliberations, in the course of the year a number of highly respected patriots also sent proposals for a constitution. Councillor Rhediger of Silesia, who had once collaborated in Stein's constitutional proposals, handed in a thoroughly doctrinaire memorial, which, after violent attacks against the old system of estates and the overvaluation of history, went on to propose that the population should be divided into three purely arbitrary classes.[2] Yet more modern was a proposal by Hippel. The author of the *Appeal to my People* had had unpleasant experience of the separatist spirit of the Poles, and he therefore rejected all idea of provincial Landtags, demanding a single Prussian Landtag which, not unlike the present one, was to be subdivided into two chambers. The rigid monarchist even rose to the level of the doctrine of pure parliamentary government, and, without grasping the significance of his proposal, declared that the nation ought to indicate to the monarch the men to whom the latter should give his confidence. All this was labour lost, buried in the mass of accumulated materials.

Whilst the fate of the Prussian constitution thus still remained in complete obscurity, serious news arrived from the new constitutional states of the south. In Munich and Carlsruhe the Landtag had met for the first time, and in both towns parliamentarism made its preliminary essays in an extremely unfortunate manner. At the court of Munich, anger at the decisions of the congress of Aix-la-Chapelle long persisted. If the designs of the Wittelsbachs upon the Palatinate had been frustrated, the great powers should at least learn that Bavaria was

[1] Hardenberg's Report to the king, May 3; Cabinet Order to Hardenberg, July 3, 1819. See Appendix VII.

[2] Rhediger, Concerning Representation in the Prussian State, January 8, 1819.

self-sufficient, and could give the whole of Germany a brilliant example of constitutional freedom. With the boastfulness characteristic of the Bavarian court, the king, when opening the Landtag on February 5th, declared that he had now completed what he had planned before the existence of the federal act, and when receiving the grateful address of his estates he spoke of this day as the happiest of his life. The nation looked on with tense interest at the unprecedented proceedings in Munich, for this was the first public representative assembly in German history. It is true that the sittings of the upper chamber were private, and that in the brief published minutes of its proceedings no names were mentioned, so that the reader soon became weary of learning that "a certain honourable Reichsrat" had said something, and that "another honourable Reichsrat" had replied. The interest in the second chamber also cooled rapidly, for the number of skilful speakers was small, and the debates, though by no means devoid of manifestations of primitive roughness, still lacked the stimulus of the dramatic touch, for so cumbrous was the order of proceedings that the speakers had to succeed one another in accordance with a predetermined list.

There were not as yet any political parties. The state-constructive energy of this kingdom was so slight, that the members of the chamber split up for the most part into little territorial subdivisions. The Würzburgers and the Aschaffenburgers would hardly recognise one another as fellow-countrymen, whilst the men of Ansbach and those of Baireuth held together as good Brandenburgers, and the Palatiners, proud of their French liberties, suspiciously held aloof from all the others. Behr of Würzburg distinguished himself from all the rest as a fiery orator. He was the darling of his Franconian fellow-countrymen, and a straightforward radical doctrinaire, who in his writings on constitutional law outdid even Rotteck's teachings, and went so far as to desire that the monarch should be personally subjected to the punitive authority of the popular representatives. Von Hornthal, too, burgomaster of Bamberg, a skilful lawyer of Jewish blood, had studied in the school of Sieyès and of the constitution of 1791; this was a man of narrow intelligence and small culture, but he was active, unemotional, never at a loss, and richly endowed with that unending prolixity which in parliamentary assemblies so often puts genuine talent into the shade. When contrasted with these two men beloved of the people, the liberal vice-president Seuffert seemed to public opinion altogether

too moderate, because in forming his political views he knew how to take existing facts into account.

Immediately after the opening of parliament, the crown had once more to experience the evil results of its double-faced attitude towards the Roman see. Since the manifest contradiction between the concordat and the edict of religions still remained unadjusted, the pope forbade the clerical members of the Landtag to take the oath of fidelity to the constitution. Acrimonious negotiations once more took place, and the nuncio, the duke of Serra Cassano, a fashionable young prelate who had rapidly made himself at home in court circles, was already threatening to ask for his papers.[1] Then a somewhat discreditable compromise was secured. The majority of the clerics took the oath, but on condition that it involved nothing conflicting with the laws of the Catholic church; the state allowed this *reservatio mentalis*, which was certainly capable of varying interpretations, and only one or two of the clerical hotspurs, such as the prince-bishop of Eichstädt, refused to accept the compromise.

It was natural that youthful parliamentarism, now going to school before all the world, should have to pay a costly tuition fee. There was no lack of useless talk, nor yet of petty quarrels. When the Reichsrats had declared in their address that this Upper House was predestined to constitute a dam to resist the onrushing flood of the unstable energies of the popular spirit, to oppose the mutable by the persistent, the delegates felt that their official honour was touched, and gave vent in excited speeches to the fashionable hatred of the nobility, but finally contented themselves with declaring that the utterances of the House of Nobles were "remarkable." In innumerable immature proposals were now brought to light all the complaints and desires which had gradually been heaped up under the regime of an unrestricted bureaucracy, and not infrequently the Upper House found it necessary to remind the Lower of the limits imposed on the latter's power by the constitution, since the crown alone possessed the right of initiating legislation. It was strange, in this connection, to see how great was still the divergence between the average political views of the north and of the south. Many of the essential principles of the neo-French constitutional theory, of which in North Germany little had hitherto been heard, had already struck firm root in the states of the Confederation of the Rhine. Thus, both chambers petitioned for the introduction of

[1] Zastrow's Report, January 29, 1819.

the public hearing of legal proceedings, and the crown prince had it expressly reported in the newspapers that he had been among the members of the Upper House who had approved of this proposal. In addition, the Lower House demanded trial by jury, and henceforward this demand became part of the regular equipment of German liberalism. On the other hand, in economic culture, the Bavarians lagged far behind the Prussians; the legal privileges of the Old Bavarian "real" master craftsmen received friendly support from the majority of both Houses, and only a small minority took the side of the Palatiners when these zealously defended their native industrial freedoms. Still more deficient was the understanding of local self-government. This people, accustomed to the omnipotence of its provincial judges, did not even venture to hope for administrative circle assemblies such as Prussia possessed. The Napoleonic general council, which persisted in the Palatinate, under the name of Landrat, and whose power was restricted to a diffident tendering of advice, seemed to the Old Bavarians an ideal body, and in the provinces on the right bank of the Rhine even the introduction of this modest reform could not yet be carried through.

In general the practical work of this Landtag bore an extremely small proportion to the expenditure of brave words. The most important event was that Lerchenfeld, minister of finance, at length disclosed the long-concealed condition of the national finances. There was an annual deficit of three and a half million florins, and a national debt of more than 105,000,000 florins, a notable burden for a country whose commerce was so scanty, and for one in which the responsibility of the whole kingdom for this sum as a common state debt was recognised only after severe struggles with the particularism of the new provinces. Most of the liability had been incurred through the necessities of war, but no one could ascertain how much was due to the extravagance of the crown, for the government refused to render any account of the administration of the absolutist epoch, because the generous Max Joseph, who in money matters always remained a child, had shortly before inconsiderately taken from three to four million francs from the French war indemnity, in order to make presents to his sons and daughters.[1]

The king was disgusted with the Landtag after a very few days; it seemed to him like an actual revolt that his officials should now have to answer to his subjects for their actions. His

[1] Zastrow's Report, February 17, 1819.

discontent increased to fierce anger when Hornthal demanded that the army should swear fealty to the constitution, brazenly declaring that this proposal, which was manifestly unconstitutional, signified nothing more than the carrying out of one of the prescriptions of the fundamental law. This was the first public expression of an incredible error which since then has remained for a generation a favourite principle of the liberal parties. Affected with the fashionable hatred of standing armies, the constitutionalists simply could not see that an army invaded by the spirit of contentious politics is the worst possible enemy of liberty, and that the rights of private citizens can be safeguarded only when the armed force has no will of its own. With the greatest possible confidence, as if the absurdity were self-evident, Behr maintained: "If there exists any estate which is without a will, I do not know where constitutional freedom remains." The favourite theory of mistrust, the doctrine of the natural war between princes and people, also co-operated. In a pamphlet upon the Bavarian Landtag, von Spraun, the liberal publicist, justified Hornthal's proposal with the courteous consideration that, in default of its acceptance, the court could at any time make arrangements for a massacre of St. Bartholomew! In Weimar, the *Oppositionsblatt* threateningly declared that the German people would bear in mind for a day of reckoning the names of all the unconscientious deputies who might vote against the proposal. In order to guard against a possible abuse of monarchical authority, it was proposed in all innocence to deprive the king of his supreme military command, and to leave the ultimate decision of constitutional disputes to the consciences of common soldiers, most of whom were under age. Even the experiences of the 18th Brumaire had not yet taught the German doctrinaires that a *coup d'état* can succeed only when it is tolerated or approved by the nation.

Although the suggestion did not originate in revolutionary sentiments, but was merely the outcome of thoughtless inexperience, it had extremely deleterious consequences. A few excited young lieutenants gave tongue in the same sense as the tribune of the people, and were quietly punished. The great majority of the officers felt profoundly wounded in those monarchical sentiments which inspire every efficient army, and in their anger adopted an unwise measure. There was circulated throughout the garrison for signature a petition imploring the king to reject "a demand so utterly opposed to the spirit of the constitution";

generals, captains, non-commissioned officers signed at random. Alarmed at such manifestations, the Landtag suddenly dropped the dangerous proposal. King Frederick William, however, regarded with profound anxiety these first consequences of the representative system. The unruly spirit of the mercenary soldier, which the Imperator's exploits had awakened throughout the Napoleonic armies, had ere this misled the French and the Saxons into open revolt; in Italy the old Napoleonic officers everywhere encouraged the hatred of Austrian dominion, and there, at any moment, a militarist revolution might break out; were the South German armies now to be dragged into the struggles of party politics? The court of Vienna regarded the Bavarian state as already struggling on the threshold of revolution. Gentz wrote a fulminating memorial concerning Bavarian representative institutions.[1] He accused the monarch of having, by his speech from the throne, constituted "a completely rounded system of monarchical democracy," and asked, "What can have given this system of popular representation, which has only just emerged from its cradle, the courage to begin where other systems of the kind are accustomed to end?" With the help of the Upper House, resolute action against the Chamber of Deputies was possible, but that which to-day might still be saved by vigorous measures would perhaps in a few weeks be lost beyond recall.

King Max Joseph himself was hardly less concerned about the situation. He was already meditating desperate plans, and consulted with his confidants whether it might not be necessary to abolish the constitution, as it had not fulfilled the desired purpose. On March 30th, Count Rechberg astonished the Prussian envoy by a confidential communication regarding this secret design. The minister added that the only fear of his court was that by an infringement of article 13 it might come into conflict with the Bundestag, and he concluded with the formal request that the king of Prussia should, through the instrumentality of his ministry of state, give confidential information "what his majesty the king of Bavaria may expect from his majesty the king of Prussia, if the former should find himself under the disagreeable necessity of having to adopt the aforesaid forcible measure." Simultaneously, Bavaria expressed to the Austrian

[1] Observations regarding the first Proceedings of the Bavarian Representative Assembly. The memorial was sent to Berlin on April 10, 1819, but must have been written in the beginning of March, for it considers the proceedings of the Landtag only down to February 15.

court her repentance for the over-hasty granting of a constitution, and declared herself prepared "zealously to adopt any repressive measures which Austria and Prussia might recommend." [1]

King Frederick William's temptation was great, but he honourably withstood it. He gave the question mature consideration, allowed several weeks to elapse, and on May 11th had answer made in a ministerial despatch which ran as follows: "If we had had an opportunity of expressing our views at the moment when the king of Bavaria had determined to introduce the constitution, we should, however much of good and well-considered matter may be contained in this constitutional charter, still have found occasion, and have regarded it as our duty, to express numerous doubts and counter-considerations." Now, however, Bernstorff continued with unmistakable irony, "We are concerned with questions of an entirely different nature. If we take into consideration that the king of Bavaria, when he introduced this constitution, did not merely present it as a notable benefit freely granted to his people, but further did not hesitate expressly to recognise the genuine or reputed right of the nation to such a constitution, and that the representative assembly upon its side, did not merely accept the new constitution in the same sense, but, in addition, definitely and boldly expressed its view that, as far as the rights of the nation were concerned, the recognition of these rights must be accounted the king's greatest service —we cannot fail to recognise the great and threatening dangers which would be inseparably associated with the crises that would result from the autocratic repeal of the constitutional charter." The king of Bavaria was then begged to take clearly into account the sentiments of his people and of his army, and to consider, in especial, whether the constitution itself did not offer him a means for maintaining his prestige, as for example by dissolving the chamber. He had nothing to fear from the Bundestag, for article 13 merely prescribed in general terms the introduction of a representative constitution, and Bavaria would in any case not be left entirely without provincial diets.[2]

Thus the Prussian answer was far from offering the assistance which the Bavarian court desired; it was a plain "no," couched in diplomatic form, and even in Munich was recognised as a refusal. Some days after it had been handed in, Zastrow reported that Count Rechberg had thanked him with

[1] Zastrow's Report, March 30; Krusemark's Report, April 16, 1819.
[2] Ministerial Despatch to Zastrow, May 11, 1819.

profound emotion, saying that the proposed *coup d'état* had now been abandoned since the chambers had begun to assume a more moderate attitude.[1] In fact the opposition had gleaned some information regarding the plans of the court—it never learned the full truth—and hastened, through the eloquent intermediation of Häcker, to asseverate its loyalty to the father of the constitution. The loud applause with which the chamber and the galleries received this emotional speech, was agreeable to the heart of Max Joseph, and the monarch who had just been planning a *coup d'état*, immediately and contentedly resumed the role of the exemplary constitutional prince. In those very days in which Prussia's warnings restrained the Bavarian ruler from his contemplated breach of the constitution, the beautiful medal minted in commemoration of the constitution was ready for issue, and the king had specimens of it ceremoniously handed to his loyal estates, and also gave one to every commune of the kingdom in perpetual commemoration. The whole country rejoiced over the Bavarian liberties, and abused Prussia, for it was no longer possible to celebrate a liberal anniversary without invectives against the state of the War of Liberation. All the Bavarian newspapers made pleasing comparisons between their king, so faithful to the constitution, and the despot in Berlin. The *Allgemeine Zeitung* related an absurd story to the effect that a crowd of fifteen hundred burghers had stopped King Frederick William's carriage at the Brandenburg Gate, and, with threatening cries "We have bled for the fatherland," had presented a petition for a constitution; the Landwehr men on guard at the gate had refused to interfere.

Yet more energetically did Bavarian arrogance manifest itself among the deputies. Certain members of the opposition handed to Rechberg a private memorial intended to strengthen the king in his constitutional intentions. Herein it was stated that Bavaria, excluded from European politics, had uplifted herself once again by the moral power of her constitution, and that her monarch was now greeted by the entire nation "as the king of German hearts." Through this European event, Bavaria had regained the position of a European power. If the king would meet the wishes of his Landtag fully, "the Wittelsbach dynasty will become the mainstay of all peoples which have proved themselves ripe for a representative constitution, and then a considerable army for Bavaria will first acquire its true significance."

[1] Zastrow's Report, May 19, 1819.

Thus the fantastical trias plan of the Würtemberg court reappears in Bavarian tints; the Munich opposition was in lively correspondence with the liberals of the neighbouring land, and the *Neue Stuttgarter Zeitung* served them as a common organ. The Wittelsbach ruler, however, did not stoop to the lure. Max Joseph was alarmed by the radical language of his popular representatives, and sent Rechberg once again to General Zastrow to hand the latter the liberals' memorial (it was on this very day, May 23rd, that the constitutional medal was sent to the chambers). Once more he implored the king of Prussia to walk with him hand in hand, so that these democratic principles might be destroyed in the germ. Frederick William made a brief and dignified reply, saying that he would not interfere in the internal affairs of Bavaria, merely repeating his advice that the king should vigorously repress unconstitutional encroachments or demands; then the Bavarian government could not be befooled by the double-tongued representations, the hypocritical flatteries, which this memorial contained.[1]

The close of the session was marked by one of those debates on military affairs in which the profound inveracity of the sovereignty of the petty states was always manifested in a peculiarly repulsive manner. Everyone really felt that the considerable expenditure for the armies of the middle-sized states was applied in an almost aimless manner so long as there did not yet exist a firmly unified German army; but no one ventured to give open expression to this truth, so disagreeable to the particularist spirit. In Bavaria, almost all parties desired that there should be a strong standing army, since they all cherished extremely exaggerated ideas of the European power of the Wittelsbach state, and yet they could never make up their minds to introduce an efficient Landwehr in accordance with the example of the detested Prussia. All the more vigorously, therefore, did they dispute about the cost, which indeed, in the judgment of the Prussian envoy, was far too great. The 6,700,000 florins voted by the Lower House seemed to the king so inadequate that in an autograph letter to Wrede, he declared that he would rather allow the recipients of his private charity to go hungry, and add 300,000 florins from his privy purse. Not till then did the Upper House resolve to raise the vote of the Lower Chamber to 7,000,000. But even this did not suffice the monarch, and when on July 16th, with a half-ungracious closing address he dismissed the Landtag,

[1] Zastrow's Report, May 23; Ministerial Despatch to Zastrow, June 11, 1819.

he frankly announced that if his federal duties should render it necessary he intended to exceed the army budget. The attempt of the crown of Bavaria to lead the German people along the path of freedom had, as the Prussian ministry wrote to Munich, "not turned out very well,"[1] hardly better, indeed, than the negotiations, just as pompously heralded, with the Roman See. As far as the representatives were concerned, although the great majority of them were harmless persons of no particular account, they had manifested a strong tendency to transgress the constitutional rights which had so recently been acquired. On the side of the crown there had been exhibited a scandalous weakness, an inclination, to-day to woo popular favour in flattering terms, and to-morrow humbly to beg the assistance of neighbours against its own country.

A far more striking and significant drama was enacted in the proceedings of the first Badenese Landtag. In December, 1818, the troubles of the unhappy grand duke Charles had come to an end. He was succeeded by his uncle, the grand duke Louis, a man already nearly sixty, whose best years had been passed in the Frederician army. He still lived and moved amid memories of the Rhenish campaigns, and proudly related that he had once commanded the celebrated battalion of Rhodich, which subsequently became the first regiment of the guards. Even after his ascent to the throne he still preferred to wear Prussian uniform, introduced Prussian regulations among his troops, and aspired for the loan of a Prussian regiment, which, through the zeal of Varnhagen, was soon accorded him.[2] If a facing or a button were changed in the uniform of the guard, his envoy in Berlin never failed to append the model of the new embellishment to his diplomatic reports. In the days of the Confederation of the Rhine he had been in disfavour with Napoleon, and had for many years to pass his time at the solitary castle of Salem. He had then taken the measure of courtly cajolery, and had become inspired with a harsh contempt for mankind. When he now re-emerged from oblivion he immediately disciplined his officialdom very strictly, and brought a certain amount of order and economy into the confused administrative system; but this man of the old school could not regard the new constitution as anything but a burdensome restriction.

[1] Ministerial Despatch to Zastrow, August 7, 1819.
[2] Varnhagen's Reports, December 16, 1818, and April 4, 1819.

Since Reizenstein soon retired in a bad humour to enjoy learned leisure at Heidelberg, Berstett acquired the decisive voice in the government, and next to him in influence came the new minister of finance, Fischer, a man good at figures and a rigid bureaucrat. For a brief period the king of Würtemberg endeavoured to win the friendship of his new neighbour, but after a secret meeting at Schwetzingen (April, 1819), the two princes parted on very bad terms.[1] The old soldier in Carlsruhe would not hear a word of the brain-cobwebs of the liberal trias policy, and desired to secure the good wishes of the eastern powers whose mistrust had injured his state so greatly. In this connection he thought first of all of his beloved Prussia, whereas Berstett inclined more to Austria. Both, however, sovereign and minister alike, looked with grateful respect towards Russia, a country which Blittersdorff, Badenese chargé d'affaires in St. Petersburg, unceasingly represented to them as the natural centre of gravity for uneasy Europe; and they gladly listened to the counsels of Anstett in Frankfort, who gradually acquired great influence at the court of Carlsruhe.[2] At home, the grand duke led the life of a dissolute bachelor. He was a man of good intelligence, but being without any sentiment for refined culture he had early given himself up to foolish excesses. Alike for his amourettes and for his political negotiations there was ever at his side a ready helper, Major Hennenhofer, a busybody of the drawing-rooms, who by cynical wit and adroit flattery had forced his way up from the position of duke's harbinger to that of military attaché, an adept in every ruse, to whom it did not come amiss to introduce quotations from *Tristram Shandy* into official documents, one who knew everyone, was initiated into all secrets, and who, despite his extreme ugliness, was always welcome as mediator and go-between. Through the fault of this new court, the honourable state of Charles Frederick was for long, next to Munich, the most immoral of the German capitals.

Not without having to overcome considerable personal reluctance did the grand duke determine to summon parliament on April 22nd. "A small country like mine," he often declared, "needs a patriarchal government." Nevertheless he consoled himself with the hope that the Landtag would rest contented with the inconspicuous role of a family council, and would not

[1] Varnhagen's Reports, April 19 and 21, 1819.

[2] Blittersdorff's Reports, St. Petersburg, January 5, 1819, and subsequent dates.

undertake anything "which will infringe our prerogative." [1] At the banquet which he gave to the representatives after the opening of the Landtag he lifted a huge tankard full of old margravial, drank to the health of his loyal estates, and then, in accordance with ancient custom, had the loving-cup passed round the table. The representatives of the people by no means took so modest a view of their duties as did the sovereign prince. On their way to the capital, they had everywhere been hailed by the sanguine populace with princely honours, greeted with triumphal arches and noisy displays, and the gracious opening festival gave them an elevating impression, leading them to feel that to-day a new epoch in German history was beginning. Varnhagen, who had already begun to mix busily among the representatives, could not relate enough to his government about "the indescribable grandeur of this imposing moment." [2] The popular chamber honestly believed that the eyes of the whole world were directed upon it (in actual fact, the proceedings at Carlsruhe attracted great attention even in England and America); and it unanimously resolved that in the House, noble and official titles should be discarded, for the honourable title of deputy stood far higher than all other earthly dignities. This proud resolve immediately aroused a fear in the anxious courts that it would be speedily followed by the abolition of the nobility itself.

The Badenese nobles possessed representation in the Upper House alone. In the Lower House it was not, as in Bavaria, representatives from the four groups of estates who found a place, for in Baden, the totality of those privileged to vote were, without distinction of class, grouped in urban and rural electoral districts, each of these comprising a taxable capital of 800,000 gulden. The result was that the Carlsruhe Landtag, in conformity with the modern character of the Badenese state, appeared to be almost equivalent to a general popular representative chamber, and in its very composition was more akin to the democratic ideas of the new century than were the other representative assemblies of those days. In respect of talent, too, it greatly excelled the Bavarian Landtag. In the Upper House, the churches were represented by Wessenberg and Hebel; the universities by Rotteck and his counterpart, the learned Thibaut; the nobility by Prince Charles Egon of Fürstenberg, an aristocrat in the best sense of the term, and by the conservative, Baron von Türckheim,

[1] Berstett to Capodistrias, December 10, 1819.
[2] Varnhagen's Report, April 22, 1819.

an Alsatian, who, driven from his home by the Revolution, took a dispassionate view of the particularist limitations of his Badenese fellow-countrymen. Von Türckheim did not hesitate to acknowledge that, in his view, the unity of the nation stood first, and constitutional reform occupied merely a second place—a statement which in the general intoxication of constitutionalist self-satisfaction already seemed tantamount to high treason. Among the members of the Lower House, Professor Duttlinger of Freiburg, a keen-sighted lawyer, was conspicuous. In detailed knowledge of affairs the privy referendary Ludwig Winter excelled all the other members; this was a native of the Black Forest region, blunt and candid, with an offhand manner, a monarchist to the core, the typical Old Badenese official, ready for all social reforms, but a declared enemy of political dilettantism and parliamentary loquacity. The real leader of the House was Baron von Liebenstein, a young official who as early as 1813 had attracted the notice of the Prussian chancellor on his journey through Baden, and who had recently acquired a wide reputation through his eloquent speech on the occasion of the anniversary festival of the battle of Leipzig. A fiery orator, active and yet cautious, unquestionably the most brilliant parliamentarian of Badanese history, thoroughly liberal in his views, he was distinguished from the majority of his colleagues by practical tact and by sound judgment in military matters; yet, gifted as he was in other respects, he greatly lacked firmness of character.

Almost all the orators of the opposition belonged to the official class, which was considerably over-represented in this Landtag, so that for the first time there now became apparent one of the gravest defects of German parliamentarism, which persists unrelieved to the present day. Since this impoverished people still completely lacked a class of professional politicians, and since, in especial, acquaintance with law was almost exclusively confined to the ranks of the officialdom, the promotors of the new constitution, desiring to avoid excluding from the chambers all men with knowledge of affairs, had made the entire body of state servants eligible for election. Many of the minor sovereigns indulged a flattering hope that in the Landtag the officials would moderate the zeal of the opposition. But by the new rules of service, modelled upon the Prussian example, the German officialdom had come to occupy a more independent position than that of any other country in the world. As parliamentary representatives, its members claimed the unrestricted right of opposing

their official superiors, and the view soon came to prevail that the duty of the popular representative stood upon a far higher level than that of the official, and consequently that the oath of loyalty to the service ceased to be binding upon an official during his tenure of the position of parliamentary representative. There resulted the twofold danger (and both the evil consequences to be now named manifested themselves alternately in South Germany) that either the discipline of the state service would be undermined, or else that the principles of the officials would be corrupted by favour and by pressure from above. Means of pressure lay ready to hand; the constitution contained no provisions regarding the granting of leave to state servants elected to the Landtag, and during the life of the first Badenese Landtag the question was mooted in the ministry whether it would not be well that in the future the leaders of the opposition should be kept away from the chamber by refusing them official leave—a paltry idea, though one readily comprehensible in view of the weakness of these governments, and one which was yet to cause much disturbance in the south.

An assembly possessing so many men of exceptional intelligence could not fail, in the first exalted consciousness of a great destiny, to extend its oratorical arts to the consideration of all the heights and depths of the life of the state. So long as the nation still lacked a Reichstag, a central representative assembly, the petty Landtags were almost forced, despite the warning of grand duke Louis, to transgress the sphere of their competence, and to consider questions of general German policy within the scope of their deliberations. For a generation to come it remained the historical vocation of the sprightly Upper Rhenish people, in this land of pure enlightenment, to provide for the average views of youthful liberalism that convenient and generally comprehensible phrasing which made them common currency. The Landtag did not possess the power of initiating all legislation, but it had the right of requesting the government to propose a law, and it made so comprehensive a use of this privilege that the crown, if it had given way, would have completely lost the leadership in legislative work.

Within a brief three months, the whole programme of liberal aspirations, matter enough for the legislation of several decades, was brought up for discussion; and since the proposers for the most part contented themselves with vague generalities, the items of this programme were voted by the chambers unanimously or

with large majorities—a step which to the delighted Varnhagen seemed a remarkable sign of political maturity. The House was unanimous when Baron von Lotzbeck, a wealthy tobacco manufacturer of Lahr, after a drastic and only too true description of the increasing impoverishment of the country, demanded general freedom of trade throughout Germany. It is true that no one had a notion of the means to be adopted to secure this end, and no one vouchsafed any attention to the fact that the king of Prussia had just granted eleven million Germans the privilege of free trade, this step being held up to contumely as a base attack upon genuine German freedom of trade. Next, C. F. Winter, the Heidelberg bookseller, proposed the establishment of the freedom of the press, and Liebenstein supported him with demands which have only been realised of late in the new empire, asking, not merely, as was reasonable, that the censorship should be abolished, but also that the provision of monetary guarantees by the newspapers should be done away with, together with all measures restricting the absolute freedom of the press—a course which was simply impossible so long as public opinion had failed to come to a common understanding even regarding the elementary principles of German federal law. Next, Rotteck offered the ministers (who by no means desired any such help) the assistance of the Chambers in the struggle with the Roman curia, and sang the glories of the German Catholic national church, being as always in respect of form refined and amiable, but in respect of matter utterly revolutionary, completely undisturbed by the facts of history, which had already proved that Wessenberg's dreams were impossible to carry into effect. This warm-hearted doctrinaire possessed wonderful energy of faith, for he simply could not conceive the possibility of any valid objection to the evangel of the law of reason. "Thibaut and A. Müller," he modestly admitted, "greatly excel me in genius and learning, but right and truth are on my side, and with these on our side we are invincible." Consequently he deemed every compromise treasonable, saying: "I know of no middle course between right and not-right."

There followed thoroughly justified but still quite inchoate proposals for the abolition of the corvée and of tithes, for the separation of the judiciary from the executive, for public and oral procedure. Trial by jury, above all, was here consecrated in eloquent speeches as a holy of holies of liberalism. There was little talk of the need that the courts should work in harmony with the conscience and the habits of the people, and little talk

of the practical essentials of the administration of justice. Rather, and yet more decisively than a short while before in the Bavarian chamber, trial by jury was spoken of as a political institution. This should constitute "the main pillar of political freedom"; without it, Liebenstein declared, everything else is illusory. Public opinion joined in a chorus of acclamation, although the experiences of the Napoleonic empire were far from favouring the new doctrine; everyone grumbled, and with good reason, at the satrap-like arbitrariness of the Badenese officials, and all gave themselves up to the childish hope that every form of tyranny would be abolished by "the people." Thus a purely legal question became a matter of political party controversy. The governments shook with terror. Hitherto, especially as far as Prussia was concerned, they had by no means been averse to the urgently necessary reform of criminal procedure, but now it seemed to them that the innovation would be dangerous to the state.

After the powerful emotions of these debates relating to the future, wherein Varnhagen's hand was ever at work, the pedantic trifling of the budget deliberations seemed extremely diverting. In any case, the budget, after so many years of disorderly financial administration, offered many points for attack. Consequently there was a vigorous development of all those arts of parliamentary fussiness and hair-splitting, which for a long time to come, served the German Landtags as an example. With hallowed indignation, the appointment of every secretary, the ration of every adjutant's horse, was disputed. The detested military budget naturally had many of its estimates cut out, and since the government, thoughtlessly enough, had omitted to provide for the expenses of the princely house before promulgating the fundamental law, the disrespectful curiosity of the popular representatives led them to enquire also into the domestic affairs of the dynasty. The actual civil list was approved by the parliamentary assembly, but of the appanage nearly one quarter was vetoed. At her dowager-seat of Bruchsal there still lived the mother of the deceased grand duke, the old margravine Amalie, a daughter of the great landgravine of Darmstadt. How often in former days, during the French dominion, had this excellent woman efficiently espoused the cause of the Badenese state; and now the Landtag, which really owed its existence to her, vetoed 20,000 florins of her modest income. How was it possible for these petty bourgeois to understand that the upkeep of the court of a princess whose daughters sat on the thrones of Russia, Sweden, Bavaria, Hesse, and

Brunswick, must not be judged on the standard of the needs of a country parsonage? All the margravine's powerful relatives felt affronted, and the mother of Czar Alexander exclaimed to the Badenese chargé d'affaires: "It seems that one can reckon very little upon popular gratitude!" [1]

By the arrogance of its demands and the stinginess of its concessions, the Landtag had already put all the courts into a bad humour. Now it made a last, hardly credible mistake, setting itself in opposition to the Bundestag, and doing this, unfortunately, in clear defiance of the law. In April, 1818, the court of Baden had issued a nobles' edict, dealing with the legal relationships of the mediatised and of the imperial knighthood, conceived quite in the spirit of the Rhenish Confederate bureaucracy, and manifestly conflicting with the prescriptions of article 14 of the federal act. The edict was subsequently declared to be an essential part of the new constitution, but the high nobility, feeling its rights seriously infringed, would not be appeased, and the government soon found itself in a position of painful embarrassment. It was certainly impossible for this small throne to fulfil the provisions of the federal act in the generous spirit of the king of Prussia; but even if certain demands made by the nobles were excessive, and even if the house of Löwenstein went so far as to ask that the Main dues should be discontinued in its own case, the mediatised were unquestionably justified, according to the terms of the federal act and of numerous European treaties, in claiming patrimonial jurisdiction and local police powers. The government began to recognise its error. It knew that the disfavour which it had acquired at the congress of Vienna was mainly due to the continuous complaint the nobles had made of their grievances. Vainly did the government appeal against the leader of the imperial knights, Baron von Venningen, to "the spirit of the age, which in South Germany is unfavourable to the nobility." [2] The mediatised stood upon their rights, and, as has been previously related, demanded a friendly hearing at the congress of Aix-la-Chapelle. In seriously-worded despatches, the four powers reminded the court of Carlsruhe of its duty, as specified by treaty. "In truth," wrote Capodistrias to Berstett, "at this moment, when all the rights of the Badenese court are once more to be placed under a double guarantee, it is impossible that an appeal to the justice of its policy can remain fruitless." [3]

[1] Blittersdorff's Report, St. Petersburg, August 11, 1819.
[2] Reizenstein to Venningen, October 22, 1818.
[3] Capodistrias to Berstett, Aix-la-Chapelle, November, 1818.

Such was in fact the case. The government could not venture to reject the justified demands of the Quadruple Alliance, which had so recently secured the whole future of this dynasty. After a brief period of hesitation, new negotiations were undertaken with the mediatised, although King William of Würtemberg, the embittered enemy of the high nobility, urgently advised the Badenese government to resist the demands of the congress of Aix-la-Chapelle.[1] On April 16, 1819, a second nobles' edict, quite in accordance with the prescriptions of the federal act, was drawn up, was submitted to the four powers,[2] and was declared at the Bundestag to be satisfactory. Berstett had the new edict promulgated the evening before the opening of the Landtag. He calculated that the representative assembly would make a virtue of necessity, and would tacitly accept the compromise as the last exercise of power on the part of the absolute monarchy. How little did he know the character of the Badenese deputies! The time-honoured problem, which existed first, the owl or the egg, came up for solution. Does a Landtag possess rights before it exists? From the first such questions have exercised an elemental force of attraction upon the minor German Landtags, and have offered the best material for their juristic saturnalia. So it was on this occasion. Everyone was incensed at the unseemly breach in the constitution. From the mouths of extremely moderate men were to be heard doctrines which, though quite harmlessly meant, strongly reminded the hearers of Rousseau's *Contrat Social.* The grand duke, it was said, in promulgating the constitution, had offered a primal convention to the people; by undertaking the elections, the people had approved this agreement, and thereby it had been perfected.

In the Lower House, Ludwig Winter was appointed referendary of the nobles' edict, and now a remarkable incident occurred, such as was possible only in the infancy of German parliamentary life. Winter was member for Durlach, and at the same time governmental commissioner. Although in the chamber he had just before been acting in this official capacity, he now rose to attack the ministry with a violence which had not been displayed by any member before him. The passionate man acted in all good faith. He believed that, by the nobles' edict, the grand duke was being robbed of inalienable sovereign prerogatives, and he

[1] Varnhagen's Report, January 10, 1819.
[2] Ministerial Despatch to Blittersdorff, April 30, 1819.

considered it his duty as a loyal subject to hasten to the assistance of the crown against its own ministers. But he was a partisan, he had compiled the first (and now abandoned) nobles' edict, and he defended his own work with all the weapons of the abstract law of reason. He absolutely disregarded the federal act and the European treaties upon which the very existence of the grand duchy of Baden depended. "We have," he exclaimed, "nothing to do with the Bundestag, and will have nothing to do with it; this is an affair of our own government." These arguments based upon natural rights were followed by an arbitrary interpretation of the federal act which was bitterly to be atoned for in the future. Winter maintained that article 13 expressly promised a popular representative system and not a feudal constitution, thus presupposing the legal equality of all citizens, and that, for this reason, the privileges granted the mediatised in article 14 could not be carried into effect and were legally null.

What a distortion of universally known facts. At the time of the congress of Vienna, no one in Germany had as yet given serious attention to the contrast between the modern representative and the feudal constitution. According to their own admission, the originators of the federal act used the term "representative constitution" in an entirely general sense, to relate, it might be, to a representation of the entire people, or, it might be to a representation of estates. Prussia's attempt to give the promise of a constitution a definite content by the enumeration of representative rights was wrecked by the opposition of the Rhenish Confederate states, and an elastic phrase was deliberately chosen in order that a free hand might be left to the sovereignty of the crowns. In this way, Austria, Saxony, and Mecklenburg could retain their old estates, while the South German states could contemplate the introduction of modern constitutions. Winter's contention was purely sophistical, and, as was soon manifest, a grievous imprudence; for if the liberals should begin to interpret article 13 speciously in their own sense, the reactionary party would certainly pay them back tit for tat, and the reactionaries had at least the letter of the act on their side when they maintained that the actual term used for a representative constitution (*landständische Verfassung*) signified representation based upon estates (*Stände*) and not representation of the people. But as far as his present audience was concerned, Winter had won the game. When, in conclusion, he demanded the rejection of the nobles' edict, the applause seemed unending; nor was the patriotic

banquet lacking which henceforward was regularly offered as a reward to deserving advocates of the popular cause. In the wider relationships of Bavaria, the mediatised, despite so much friction between the two chambers, were left unassailed by the liberals, but in the little land of Baden, a high nobility could not be tolerated, for all aristocrats were regarded as enemies of the people. Varnhagen did his best to fan the flames of anti-aristocratic feeling among the deputies, although he knew that his own government had collaborated in the creation of the nobles' edict. He did not even shrink in his official reports from ardently praising the opponents of the Bundestag and of the Quadruple Alliance.[1]

The subsequent course of the debates showed how thoroughly the national sentiment had already been disordered by the futility of the Bundestag. The federal assembly was overwhelmed with abuse, and the fundamental law of the Germanic Federation was treated with the utmost contempt. The very liberals who were so loudly demanding the fulfilment of the ambiguous article 13, declared that the plain and unambiguous prescriptions of article 14 were not binding. The nation's sense of honour towards the scandalously maltreated victims of the Napoleonic *coup d'état* of 1806, the plain wording of the federal act, which was so much older than the Badenese constitution, and which in any case constituted the sole constitutional bond for this disintegrated nation—all was to count for nothing as against an indubitably illegal grand-ducal Badenese law, which, further, had already been annulled by the Badenese government itself. It was not considered worth while to show why Baden could not fulfil its federal duties towards the mediatised just as honourably as Prussia and Bavaria. If any further advance were to be made along such a path, the last poor vestiges of a national legal order which still remained for the Germans would be destroyed by liberal particularism. The unbridled German licence which had devastated the old empire was revived, basing itself no longer upon existing feudal liberties, but upon the phraseology of the doctrine of natural rights. Liebenstein, who had so often broken out into fiery enthusiasm when he spoke on behalf of the unity of Germany, now put forward the extraordinary contention that a federal resolution could become legally valid only through the approval of the Carlsruhe chambers, although the Badenese constitution itself expressly recognised that federal laws were binding upon the

[1] Varnhagen's Reports, May 12 and July 21, 1819.

grand duchy. Paulus hastened, in Rotteck's *Archiv*, to extol this new doctrine as a bulwark of German freedom. The liberals ventured to display open disobedience towards the Germanic Federation, upon whose fundamental law the Badenese constitution itself reposed, and this at a moment when the Bundestag was, indeed, sinning gravely through inertia, but had by no means attempted any forcible infringement of the liberties of the nation. In this campaign against the Federation, the Prussian chargé d'affaires faithfully collaborated. He played the part of a Badenese opposition leader with such audacity that a year later, when Varnhagen was at length recalled, the grand duke Louis said openly to Küster, Varnhagen's successor: "We shall at length have peace, now that Varnhagen is gone; his presence would to-day, as it did a year ago, ruin everything." [1]

In the Upper House, the rights of the mediatised were better defended. Türckheim produced an admirable, though extremely severe, report, victoriously demonstrating the injustice of the Lower House, and asking it to consider that a highly respected nobility was at all times a defence against arbitrary conduct on the part of the officialdom. But the arrogance of the liberal party had already risen to such a height that a severe word in the mouth of a conservative was regarded as a breach of privilege. The Lower House rejected Türckheim's report "with indignation," although in truth its own orators had by no means minced matters. In his rejoinder, Winter even referred to the celebrated sentence in Stein's political testament, that no subject must resist the authority of his superiors; and yet it was universally known that the baron was far from regarding the former estates of the realm as "subjects," but had vigorously defended their established rights. The government knew neither how to advance nor how to retreat. From the Bundestag and from most of the courts came astonished enquiries whether in Baden everything had got out of hand, now that the governmental commissioner could himself lead the opposition in an attack upon the Federation and upon the ministry.[2] Count Buol, upon hearing the news of Liebenstein's speech, exclaimed: "Doubtless the speaker is already in prison!" Berstett was not the man to lay this storm. He allowed himself to break out in anger; he accused the chambers of Jacobin sentiments, and thus only increased their

[1] Küster's Report, Carlsruhe, August 22, 1820.

[2] Berkheim's Report, Frankfort, June 25; Blittersdorff's Report, St. Petersburg, August 14, 1819.

hostility. At length the grand duke lost patience. On July 28th, the chambers were suddenly prorogued until the following year. The three months' war of words had terminated without result, for not a single law had been passed.

At length retribution arrived for the man who in Carlsruhe had so long brought dishonour upon the Prussian name. For two years Varnhagen's conduct of business had been an endless chain of insubordination and dishonesty. His reports were untrustworthy ; he was partisan and badly informed ; he had even criminally lied to his government when he betrayed to the newspapers the letters of the sovereigns of Bavaria and Baden, and subsequently pretended to be indignant at this act of treachery. In direct opposition to his instructions, he had at first interfered in the Bavario-Badenese dispute, had then immersed himself in liberal party politics, and had finally and in person opposed the legal claims of the mediatised, which were supported by the court of Berlin. This was a breach of duty which in the history of Prussian diplomacy could be paralleled but once only, by the behaviour of Count Haugwitz, at the time of the battle of Austerlitz. Varnhagen was recalled on account of the well-justified complaints of the court of Baden, and owed it only to the good nature of Hardenberg and Bernstorff that he had not to suffer unqualified dismissal, but retired on an entirely undeserved half-pay. He fell a victim to his own vanity and disobedience ; but since his recall chanced to coincide with the beginning of the persecution of the demagogues, and since the ill-informed newspapers began to circulate fables, now of his arrest and now of his Jacobin plans, he was able in Berlin to pose as a liberal martyr ; and when he had for years vainly besieged all the ministers for foreign affairs, from Bernstorff to Manteuffel, for reinstatement, he at length revenged himself by producing a dish of literary poison which was worthy of his political deeds.

In Baden, meanwhile, Fischer, like Rechberg shortly before in Munich, was planning a *coup d'état*. In a memorial, he proposed to his prince that the crown should resume possession of the domains, and, if the Landtag would not agree to this, should declare the constitution violated. Then, through the mediation of the Bundestag, consultative estates might be introduced. For the present, however, the grand duke rejected this plan, for he hoped that he would be able to keep his Landtag in order with the aid of the decrees which were at this moment being discussed in Carlsbad.—Such, then, were the results of the first years of our

constitutional life. In Würtemberg, a sharp dispute with parliament had temporarily brought about the king's dictatorship; in Bavaria, the crown had appealed for assistance to the great powers against its own Landtag; in Baden, prince and parliament had parted in discontent, and the popular representatives had attacked the federal act. In view of such experiences, the king of Prussia began seriously to doubt whether his state, so laboriously growing to become a coherent whole, could venture to follow the speedily repented example of Bavaria. King Frederick William IV uttered an absolute truth when, soon after ascending the throne, he declared that by the constitutional experiences of the neighbouring German states his father had been led to deliberate very seriously about the promise of May, 1815.

§ 2. ASSASSINATION OF KOTZEBUE. PERSECUTION OF THE DEMAGOGUES.

Even before the unwonted spectacle of these parliamentary struggles had terminated, an incident occurred which filled all the courts with panic terrors and was to be a turning-point in the history of the Germanic Federation. On May 23, 1819, Kotzebue was murdered by Sand, a member of the Jena Burschenschaft. Both friends and enemies immediately felt that in this murderous deed it was not the ruthlessness of an individual, but the long dammed-up party hatred of the revolutionary section of the students, which had found discharge. The elemental fascination of the mysterious, readily leads the world astray to seek some lineaments of greatness in those who commit serious crimes; but while the life of this assassin offered a sufficiency of morbid characteristics, and afforded many reasons for human compassion, there was nothing remarkable about him but that gloomy and concentrated force of will which makes the fanatic.

Carl Sand was the son of a former Prussian official, and had grown to manhood in the Fichtelgebirge, among the loyal Brandenburg Franconians, in a country where everyone was grumbling about the new order in German affairs. The fixed gaze, and the low forehead surrounded by long, dark hair, betrayed a restricted intelligence, that of one who learned but slowly in spite of intense application, and who then retained with tenacious obstinacy, against every attempt to dislodge it, the knowledge acquired with so much difficulty. His mother, filled with the pride of conscious

virtue, had early instilled into the boy's mind an unchildlike sense of self-righteousness. Thus prepared, he entered as a student into that Teutonising circle in which raw youths were accustomed to bask in the sense of their own strength and chastity, and to rail against the wanton laxity of the older generation. In this unfortunate mind, pagan arrogance, rationalistic pride in the immaculate dignity of the free and independent ego, was associated with a mystical enthusiasm which looked up with ecstasy to the image of Christ, and which imagined that the finger of God could be recognised in every trifling experience of daily life: he prepared himself with prayer and pious contemplation even for the harmless duelling games of the students, and often after some trifling exchange of words he would solemnly invite his opponent to meet him before God's judgment-seat.

Upon persons of experience, the reserved young man, who in personal intercourse was pleasant and good-natured, left a sinister impression. When Wangenheim, who had been his patron in Tübingen, learned one day in Frankfort that Carl Sand had wished to visit him on the way through the town, he instantly had a presentiment that something horrible was in the wind, threw himself on horseback, and hastened after the wanderer along the Bergstrasse, but without overtaking him. Sand had taken part in the campaign of 1815 as a Bavarian volunteer, but had never seen the face of the enemy, and, filled with contempt for soldiering, had laid aside his uniform immediately after returning home. But all the more zealously did he devote himself body and soul to the activities of the Burschenschaft. To him the association was state and church, home and love, the one thing and everything. He looked upon the whole world as divided into two great camps: on the one side the pure, free, and chaste students, and on the other the corrupt minions of tyranny. In Tübingen, Erlangen, and finally, in Jena, he was always on hand when ardent Teutonisers exchanged oaths of mutual fealty, like the Swiss confederates at Rütli, and when they gushed about great deeds like those of St. George; but he was a clumsy speaker, and was held of little account among his comrades, except as a vigorous gymnast. Yet the things which the ordinary students were thoughtlessly acclaiming, moved this sombre nature to the core, and to him it was not an empty word when the Burschen sang:

> Deep thrust, thrust home in foeman's heart,
> 'Tis there thy place, good German sword!

When in Erlangen his beloved friend was drowned before his eyes, and the Landsmannschafts refused to pay the last honours to the body of the deceased, the ultimate glimmer of youthful cheerfulness vanished from his darkened spirit; he believed himself to be surrounded by a world of enemies, and in his heart declared war against this corrupt universe, asking, "You princes of Germany, why do you trouble my peace?" Hatred, fierce hatred, against the unknown foes of the Burschenschaft and of the one and indivisible free state of Germany, filled his mind; and now Luden, by his essay against Kotzebue, gave the wild impulse a definite aim. To the self-righteous enthusiast, the flippant old rascal seemed the prototype of all the sins of the elder generation, although Sand knew nothing of Kotzebue beyond a couple of comedies and a few newspaper articles. It was in such a frame of mind that the unhappy lad came to Jena. His soul was full of abstract enthusiasm for heroism and a self-sacrificing death. In June, 1818, he wrote to a friend in the following terms: "Our life is a hero's course; speedy victory; early death! Nothing else matters if only we are real heroes. Premature death does not interrupt our victorious career, if only we die as heroes." Then he passed under the sway of Carl Follen and greedily drank in the murderous doctrines of the Blacks. "Now at length," he wrote, shortly after he had made Follen's acquaintance, "I have found an aim in life, to live in my own way, in accordance with my own conviction, with unconditioned will, to defend among the people the cause of pure right, that is to say, the only cause which God has shown us to be worthy; to defend it with life and death against all human opinion." His intellectual capacity was insufficient to enable him to see through the school-boy fallacies upon which Follen's moral system was based. He was able, as it were, to divide his conscience into two spheres, remaining loyal, trustworthy, and helpful in private life, while against tyrants it seemed to him that everything was permissible. His theological studies, which he had grievously neglected for the affairs of the association, none the less furnished him with means for basing the doctrine of unscrupulousness upon a religious foundation. From the Bible and from Thomas à Kempis, he imagined he could construct the proposition: "When man has recognised truth to such an extent that he can say before God, 'that is true,' then it is true when he does it!" When now he daily heard Carl Follen, "the master among the saviours of the fatherland," eloquently extolling the moral necessity of political

murder, he conceived the idea of sacrificing himself for the good cause, and of seeing whether he could not shake the people out of their slumbers by the horrors of a sacrificial act of assassination.

Coolly, serenely, and self-sufficingly did he make his preparations; he had long accustomed himself to regard every representative of the opposing view as a deadly enemy; he lived in a state of war with those in authority, their assistants, and their assistants' assistants; he would be justified in stabbing Kotzebue, "because he wishes to suppress the divine in me, my conviction." The notion that this attack upon an unarmed old man was a base and cowardly act entered his mind as little as did the recognition of the senseless folly of a crime which could not possibly improve the existing political order. There co-operated among his motives the deadly sin of the nineteenth century, that impotent megalomania which has played a part in the production of almost all the notable crimes of modern history. Sand was not simply puffed up by the moral arrogance of his sect, but was also personally vain. While he was brooding over his ruthless design, he sketched a portrait of himself kneeling on the steps of a church and pressing a dagger into his own heart, but on the church door was hanging, pinned up with another dagger, the death-sentence upon Kotzebue. Beyond question the unhappy man believed that he had made his determination in absolute freedom, for he would not allow that his action had any other source than his own conviction; but it is psychologically impossible that the experienced Carl Follen, who, with his basilisk glance, completely dominated the defenceless lesser intelligence, and who read the latter's simple soul like an open book, had not noted the plan of assassination and favoured it. Just as certainly as the standing ear of corn springs from the seed that has been sown, so certainly does the preacher of political assassination stand before the moral judgment-seat of history as the originator of Kotzebue's murder. Whether in a strictly legal sense Carl Follen should be regarded an instigator, will probably for ever remain concealed. Unquestionably he was an accessory before the fact. As the investigation showed, he had provided the assassin with money for the journey to Mannheim. Wit von Dörring, and probably a third member of that ultra-revolutionary sect of the "Unconditionals" known as the *Haarscharfen* (the keen blades), were also in the secret; but it is certain that there cannot have been any larger number of accessories, for Carl Follen instructed his faithful followers in all the stratagems and wiles of criminal

procedure, gave them careful information as to how they were to conduct themselves before the examining judge, and impressed upon them in especial that the saviour of the fatherland must not bring his comrades into danger.[1]

Sand set off with the repose of a good conscience, eagerly visiting on the journey everything worthy of note. In Mannheim he had no difficulty in securing access to his unsuspecting victim, and, after a few indifferent words, uttering a savage cry, he suddenly stabbed the old man in the throat. He had determined, if necessary, to elude punishment by suicide, but was prepared if possible to take refuge in flight. Not until Kotzebue was lying dead and the murdered man's little son rushed in to find his father's corpse, was the assassin for a moment overcome by shame, and with an unsteady hand he directed a thrust against his own breast, "as it were to make an atonement to the son," as he afterwards admitted. When the dangerously wounded man was arrested, he cried out loudly: "Long live my German fatherland, and long live all among the German people who strive to further the cause of pure humanity!" Beside the corpse was found a scrap of writing: "Death-blow to A. von Kotzebue," and inside, the words: "I must give you a sign, must bear testimony against this laxity, and know no better way than by striking down the arch-thrall and palladium of this evil time, the corrupter and betrayer of my people, A. von Kotzebue," and there followed Follen's blasphemous verse: "A Christ canst thou become." In a letter to the Burschenschaft, left behind at Jena and first discovered after the murder, Sand had announced his departure, saying that he must now leave in order to become the avenger of the people. Upon his couch of pain in prison he displayed the greatest fortitude, invincible equanimity, and not a

[1] These facts would appear incredible as long as they rested only upon the authority of the Memoirs of the miserable informer Wit von Dörring; but to-day they are beyond dispute, now that an intimate friend of the brothers Follen, the German-American Friedrich Münch, has repeated them most circumstantially (Münch, Reminiscences of Germany's most Troubled Epoch, St. Louis, 1873. See also *Deutsche Turnzeitung*, 1880, p. 403). Münch bases his information upon confidential communications from his friend Paul Follen. He is probably the only survivor of the inner circle of the Unconditionals, a man of recognised uprightness, who still cleaves firmly to the ideals of his youth, and I cannot see why the direct assurances of this honourable revolutionist, which in any case are not in themselves improbable, should be regarded as incredible. The anonymous booklet written in defence of Carl Follen, entitled Germany's Youth in the sometime Burschenschafts and Gymnastic Societies (by R. Wesselhöft), is no more than a skilful and insincere piece of special pleading.

trace of remorse. In cross-examination he lied brazenly as a faithful pupil of Follen, for everything was permissible against the slaves of despotism: in order to shield Follen, he even falsely accused Asmis, one of his best friends, of having lent him funds for the journey. At first he could not be moved from this atrocious accusation, even by the adjurations of the innocent man, but at length, completely convicted, he admitted the truth.

The trial was conducted with extreme indulgence, but also with ridiculous maladroitness, so that the essential mendacity of the Blacks had the freest possible play. Distinguished judges would not devote themselves to the detested business of persecuting the demagogues, and consequently the investigation was almost everywhere entrusted to incompetent legal understrappers, and of the little that might have been proved, nothing was brought to the light of day. Follen, the most suspect of all the witnesses, played a bold game with the Weimar magistrates even in the preliminary investigations in Jena. Under their very eyes he took possession of a letter which they had found in the search of his house, and destroyed it. He professed himself unable to recall the most striking events of recent weeks, although the cold calculator, who never uttered a word without consideration, unquestionably forgot nothing. When it was pointed out to him that this unprecedented weakness of memory produced an extremely unfavourable impression, he answered, with terrorist audacity, that this was entirely unknown to him as a principle of criminal law.[1] When subsequently in Mannheim he was confronted with the assassin, he attempted in a matter of importance to employ a ruse known to every criminologist. He complained of the weakness of his recollection, and requested his friend to recount to him precisely all that had happened, for this would serve to refresh his own memory. The committee of enquiry actually fell into the trap, and allowed the accused to relate his fable in detail, and now in Follen's memory, too, the forgotten circumstances were suddenly and vividly recalled, and he declared that Sand's report seemed to him quite accurate. The father and the brother of the accused refused to testify, and so did his infatuated mother, who compared her son, "the pure, great martyr," to Martin Luther.[2] Since nothing was known in Baden of the parties within the Jena Burschenschaft, only one other of Follen's intimates was

[1] Minutes of the Saxon grand-ducal committee of enquiry, April 2, May 3 and 11, 1819.

[2] Letter from Frau Sand to C. Follen, May 11, 1819, found at Follen's rooms.

examined, R. Wesselhöft, a discreet and cautious young man. In these circumstances it was impossible that the investigation should fully attain its ends, a fact admitted by the president of the committee, Councillor von Hohnhorst, in his speedily published report. The accessories to the crime remained undiscovered.

The news of the punishment of the rascal satirist of Mannheim was received with unconcealed delight in the circles of the Unconditionals. The young people were feverishly excited, and in secret were concerting new acts of madness; now was the time to fulfil the exhortations of Carl Follen's association song:

> Down with the bulwark of evil,
> Down with the whole tribe of tyrants!

Yet, whenever some definite proposal emerged, the voice of conscience made itself heard. Carl Follen advised his friends in Jena to go in mass to Mannheim, to set the town on fire, and to liberate the imprisoned martyr; but the majority refused. At Whitsuntide, the students from Jena, Giessen, and Göttingen met in Fritzlar and on the Brocken to discuss a second act of violence, but no agreement was secured. The better ones among them, like Heinrich Leo, were weary of the criminal folly, and withdrew in disgust. Even the rougher among the students, now that the first intoxication of malicious joy had passed away, felt the idiotic stupidity of Sand's misdeed weigh heavily upon their spirits; they saw that the governments were arming for defence, and that the Burschenschaft itself was threatened with suppression. Profound discouragement replaced the old audacity.

It was only in Giessen, the acropolis of the Blacks, that the flames of revolutionary passion were not extinguished so quickly. There Paul Follen, supported by a few older friends, continued the evil work of his brother. In order to repair the failure of the Whitsuntide gathering, he held a meeting one evening in a village tavern, with a pastor from Wetterau, and a young apothecary named Löning from Nassau. President Ibell of Wiesbaden was to be the next victim. What did it matter to these madmen that Ibell was the most efficient, and essentially the most liberal also, of the Nassau officials? He was the servant of the despots, and had, moreover, just aroused the anger of the Unconditionals by the expulsion of Wilhelm Snell, a member of the Blacks. The three assassins cast lots, but then Löning demanded the

privilege of the assassination for himself, on the ground that he was almost a fellow-countryman of Ibell's.[1] He was a friend of L. Snell, a stupid and ignorant man, who had recently joined the Blacks in Heidelberg, his intelligence being crude enough to take literally the plausible gospel of political murder. On July 1st, following Sand's example, Löning had himself announced to Ibell, and then suddenly and fiercely attacked his victim. The blow miscarried, for Ibell was but slightly wounded, and his brave wife and others, hastening to the rescue, saved his life, but the vigorous man was so much alarmed by the shock that he shortly afterwards resigned his post, and could not for years resume public work. The would-be assassin displayed in prison the same elemental energy of self-control which had been shown by Sand; in order to safeguard his comrades, he killed himself in the most horrible way, by swallowing fragments of glass.

Even more sinister than the two deeds of blood themselves was the impression which they produced in the nation. It was true that little was said about Löning, for Ibell was hardly known outside Nassau; but the assassin of Kotzebue seemed to be crowned as with a halo. To us of a later generation, who are able to look back with an unprejudiced eye, a murder committed by a hot-blooded youth in the rage of jealousy or of a wounded sense of honour, certainly seems far more human, far more excusable, than the detestable and vain self-conceit of this immature enthusiast, a man standing far below the level of mediocrity, who had never done anything worthy of record, never spoken a brilliant word, never experienced a severe temptation, and who yet arrogated to himself the position of judge of the morals of his time, and undertook to heal the corruption of the world by a rude infringement of the simplest of moral laws. The one thing that can diminish our detestation, is our compassion with the blinded fool whose empty head was defenceless against the errors of a criminal doctrine. The feminine intelligence is dominated by feeling, the masculine intelligence by reason: an insignificant woman may become the delight of her entourage through the nobility and depth of her sensibilities; but a man without understanding is unable even to feel with refinement and security. The unfortunate wretch was able in good faith to call upon God to approve his misdeed, only because his poor brain was not able

[1] From Paul Follen's own admission (Münch, Reminiscences, p. 60), amplified by guarded allusions in H. Leo's Memories of Youth, p. 227.

to recognise that the harsh vainglory of his moral outlook was the precise opposite of Christian love and humility.

His contemporaries took another view. The mass of the nation, indeed, to whom the ideals of the Teutonising youth always remained uncongenial, was indifferent. But in those cultured circles which felt themselves to be the embodiment of public opinion, there prevailed an insecurity of moral judgment which must be numbered among the most tragical aberrations of our recent history. Not merely did the young men at the university hail Sand's deed as "a sign of that which will and must come," but even mature men compared the assassin with Tell, Brutus and Scævola. Whilst the French press demanded in astonishment how such a bandit's deed could possibly be effected among the conscientious Germans, German professors were quoting the old Greek song,

> Hide the dagger which is destined for the tyrant,
> Hide it, as did Harmodius, in thy myrtle crown—

and the vice-master of Stralsund gave an address to the school upon the great tyrannicidal deeds of the Hellenes. The cult of the free personality which had been practised in the epoch of our classical poetry had made public opinion receptive for the sophistical conviction-morality of the Unconditionals, which argued that Sand was guiltless, because, like Jesus, he had acted in accordance with his conviction—a detestable view which, pushed to its logical extreme, must lead to the acquittal of every hardened criminal, and in accordance with which those only can be condemned whose convictions are unstable because their conscience is not yet extinct. In Nasse's *Medizinischer Zeitschrift*, Grohmann, the alienist, declared: "It is merely in respect of its external and ostensible form that Sand's act can be termed assassination; in reality it was open and declared war, it was the act of a conscience elevated with and inspired by the highest degree of morality, religious consecration."

A theologian, too, the pious and amiable de Wette in Berlin, expressed himself in a like sense, as if it could be held that a thinking being was not responsible also for his conviction. He had personally known the unfortunate young man, and his compassionate heart impelled him to write the mother a letter of consolation. In this letter, he admits, indeed, that the act of her "exceptional son proceeded from error, and was not entirely free

from passion," but, " the error was outweighed by the serenity of the conviction, the passion was consecrated by the good source from which it flowed. He considered that what he did was right, and therefore he did right ; if everyone acts in accordance with his own best conviction, he will do what is best. As the act took place, carried out by this pure and pious youth, filled with this belief, inspired with this confidence, it is a fine sign of the times. A young man stakes his life in order to get rid of one whom so many venerate as an idol ; is all this to be without effect ? " Few, it is true, were blinded to this degree ; yet the predominant view among the cultured classes, was the one openly expressed by Görres, " disapproval of the act, while approving the motive."

Such a confusion of all moral ideas in a serious-minded people would be inconceivable did it not find its explanation in political discords. The general anger concerning the powerlessness of Germany had at length found vent in a horrible outcry. It seemed to the patriots as if the assassin had merely given expression to a feeling with which countless hearts were inspired. To Kotzebue's name there attached an enormous measure of well-deserved contempt. All the world, moreover, was under the false impression that the reaction in Germany proceeded from Russia, at a moment when, in reality, the czar exercised extremely little influence upon Germany's destiny. In Kotzebue, excited observers perceived the representative of the Russian power upon German soil, although he was of absolutely no account at the court of St. Petersburg, while we have Czar Alexander's definite and thoroughly trustworthy assurance that Kotzebue had himself voluntarily offered to furnish his entirely useless literary Reports.[1] Thus Sand appeared to be the guarantor of German rights, and his act was regarded as a formal protest on the part of the nation against an imaginary foreign dominion. The unavoidably humane cruelty of modern criminal procedure served further to increase natural sympathy with the prisoner. With enormous difficulty, by the application of the highest possible professional skill, his life was preserved for a year, until at length Chelius, the celebrated surgeon of Heidelberg, amid the fierce anger of the Teutonising youth, fulfilled his duty by declaring that Sand could now endure execution. Even during the first weeks the prison was surrounded by excited crowds.[2] The longer the

[1] Blittersdorff's Report, St. Petersburg, May 26, 1819.
[2] Varnhagen's Report, March 27, 1819.

examination lasted, the louder became the manifestations of sympathy with the pious sufferer, who, fixed in his illusion, endured all his sufferings with stoical calm.

Even the executioner, a warm-hearted patriot of the Palatinate, honoured Sand as a hero of the national idea, begged his forgiveness, received his last commands, and presented the block upon which the execution had taken place to a Heidelberg sympathiser, in whose family the sacred relic was preserved as a priceless heirloom from generation to generation. From the timbers of the scaffold he built himself a summer-house, in his vineyard in the sunny angle between the Rhine and the Neckar valleys near Heidelberg; for years afterwards, the members of the Heidelberg Burschenschaft were accustomed to hold secret conclave in this summer-house, as guests of Sand's executioner.[1] The execution took place on May 20, 1820, in a meadow before the gates of Mannheim; the students came over in crowds from Heidelberg, and in the evening, in their town of the Muses, they uttered many a vigorous "Perish King Frederick William." The boards splashed with the blood of the hallowed Sand were eagerly purchased, and the place of his death was known in the popular speech as "the Meadow of Sand's Ascension."

The comments of the liberal press upon the assassination of Kotzebue and the attempted assassination of Ibell amounted to more or less veiled accusations against the governments. An anonymous writing, *Observations upon the Assassination of Kotzebue*, actually extolled the wholesome influence of Sand's act, and ascribed all blame for it to the crowns. In Börne's *Wage*, Görres described with mystical exuberance the divine dispensation whereby the old time and the new had met in bloody encounter; and in the summer, when the persecution of the demagogues had already begun, he wrote down the latest impressions of his mobile intelligence in a book, *Germany and the Revolution*, a work which could not fail to have an exciting influence upon the mass of its readers. He began by saying that among the numerous secret conspiracies, one conspiracy was overlooked which sat mutinously at every fireside, which found loud expression in the market-places and in the streets. There followed a terrible picture of recent German history. For three centuries there had been nothing but barrenness and decay; when love and confidence were dead, everything reposed upon the instinct of blind obedience. He could, indeed, mention no more than two definite

[1] Reminiscence of Professor G. Weber of Heidelberg.

grounds for German misery, the destruction of the old Hapsburg emperordom, and the standing armies, these masses of drones, which in peace sucked the land dry and in war left it undefended. Anyone endowed with perspicacity could easily recognise that the imaginative man, who, on this occasion, once more comported himself as the spokesman of Rhenish Prussia, was on the point of going over, bag and baggage, to join the ultramontanes. Among the few favourable signs of the times, he extolled above all the Bavarian concordat which, he said, had only one fault, that it still left excessive powers in the hands of the state. For this reason, Gentz and Adam Müller took a very friendly view of the extraordinary book ; but for Rhenish Prussia there could be no one more dangerous than the demagogic Capuchin, and King Frederick William had good reason for regarding this work as an attempt to inflame the Rhinelanders against the Prussian state.

While an obscure, aimless, but fierce embitterment manifested itself among the cultured classes, during the summer the masses also suddenly broke into disturbance. The old racial hatred against the Jews, and the anger on account of the usurious practices of recent years, broke out into fury. In Würzburg, Carlsruhe, Heidelberg, Darmstadt, and Frankfort, mobs assembled, stormed some of the Jews' houses, and maltreated the inhabitants. The movement extended all over the Teutonic world, as far as Copenhagen and Amsterdam. It seemed as if the old popular superstition had something in it, and as if the great comet which this summer flamed in the heavens had brought disaster and confusion over the world. Here and there isolated Teutonising students may have played a part in the disturbances, and the mocking war-cry, *Hep ! Hep !* which was then heard for the first time, would seem to have originated in cultured circles, for it is supposed that the word is formed from the initials of the phrase *Hierosolyma est perdita.* Nevertheless a connection between the Christo-Germanic dreams of the Burschenschaft and these wild outbreaks of long-repressed popular passion, is neither demonstrable nor probable. The political ideas of the academic youth remained incomprehensible to the masses ; and in Heidelberg, under Thibaut's leadership, the students even assembled, at the peril of their lives, in order to defend the Jews against the rage of the mob. The governments, however, in their alarm, saw in these tumults nothing more than a new proof of the secret workings of a revolutionary party. In great alarm, Metternich

instructed Count Buol that, after consultation with the statesmen assembled at Carlsbad, the Bundestag must, in case of need, summon troops from the adjoining garrison towns, since the senate of Frankfort was displaying much too weak a front towards the promoters of disturbance.[1]

No one who knows the contagious energy of political crime will deny that, after all that had happened, the crowns were justified in undertaking, and were even compelled to undertake, a strict investigation into the ultimate causes of the murder of Kotzebue and the attempt on Ibell's life, and to initiate severe proceedings against certain writers who openly defended political assassination. Since both the criminals belonged to the Unconditionals, the suppression of the Burschenschaft was unavoidable for a time at least. Yet nothing but courageous, firm, and calm action on the part of the governments could bring unstable public opinion to its senses once more, and at the German courts there was no trace of such statesmanlike certainty of aim. Gloomy epochs appear from time to time in which even noble nations seem to be smitten by epidemic mental disorder. Thus almost all the German governments fell a prey to a wild delusion of persecution. The two enigmatic crimes, the excited language of the newspapers (among which the *Isis* and the *Neue Stuttgarter Zeitung* were especially foolish), the stormy proceedings of the two first Landtags—all these things in conjunction made the minor courts extremely uneasy. There was superadded the obscure feeling that the nation had, in truth, little ground to congratulate itself upon the Vienna treaties.

The South German courts, which were hailed in the press as pillars of the constitutional faith, displayed themselves the most disturbed of all. King William of Würtemberg sent the court of St. Petersburg so dire a description of the revolutionary sentiments of the German youth that Stourdza exulted loudly, and even the ultra-conservative Blittersdorff found this appeal of a German prince to a foreign court a contemptible act.[2] Bahnmaier, the pious theologian of Tübingen, was deprived of a minor post, because in an official report he had truthfully declared that Sand's action was not regarded by the students as a crime, but as a patriotic aberration. The court of Munich immediately applied to Austria and Prussia, urgently demanding that common

[1] Metternich to Buol, August 14; Bernstorff to Goltz, August 15, 1819.
[2] Blittersdorff's Reports, St. Petersburg, April 26 and 30, 1819.

measures should be taken against the universities; certain teachers who had expressed their satisfaction concerning the death of Kotzebue were immediately suspended from office; and since Sand sent a message to his king from prison, to the effect that the latter had nothing to fear for himself, the timid Max Joseph immediately drew the conclusion that godless designs were manifestly cherished against other German princes.[1] Finally, the government of Baden, in whose territory the crime had been committed, had quite extraordinary ideas regarding the extent of the "demagogic intrigues," as the new official expression phrased it. The investigation had disclosed a half truth. The government believed itself to have ascertained that in the Burschenschaft there existed a secret society "whose principal motto is tyrannicide, and which has its centre in the vicinity of Giessen, in the abode of a certain Follenius." But the Badenese government did not discover how few and powerless were the Unconditionals, cherishing the illusion that the German Landtags desired to combine to establish a German parliament beside the Bundestag, and then to declare the indivisible German republic. It was consequently with ardent gratitude that Berstett received "the gracious communication of the most sapient views of his majesty the emperor," when Metternich wrote that the Austrian court was determined to take serious steps against the professors and the abandoned writers, "who are daily, in every possible way, instilling their revolutionary principles into the mind of youth, to the point of intoxication." Berstett immediately instructed the Badenese federal envoy to follow the Austrian lead, and declared to the cabinet of St. Petersburg, "We desire to press forward to the source of this hellish conspiracy, which aims at nothing less than the overthrow of all divine and human institutions; we desire to suppress the despotism which the professors are endeavouring to exercise over the political opinions of Germany, under the ægis of an inexperienced and far too impressionable youth."[2]

Far more momentous was the change of sentiments at the court of Berlin. As with all other important resolves on the part of this government, the reactionary tendency of the year 1819 proceeded from the monarch in person. The king became daily

[1] Krusemark's Report, May 21; Zastrow's Reports, April 14 and August 4; Ministerial Despatch to Zastrow, April 23, 1819.

[2] Metternich to Berstett, April 17; Berstett to Nesselrode, May 9; to Metternich, May 29, 1819.

more dissatisfied with his chancellor, and with Hardenberg's "curious" entourage. From the foolish articles of the liberal journals, which Wittgenstein sedulously laid before him, Frederick William concluded that a powerful conspiracy existed, and expressed his gratitude to Eylert, the court bishop, when the latter, on the occasion of the Ordensfest, stigmatised the rebellious spirit of the age in a clamorous speech. When the news of Sand's crime now arrived, and when the murder found so many blinded defenders, the conscientious monarch felt wounded in his most sacred sentiments; he regarded it as his royal duty to intervene with inconsiderate severity, gave the police authorities extraordinary powers (May 4th), and in addition established a ministerial committee to conduct proceedings against the demagogues. The Prussian students at the university of Jena were ordered to leave that town, and although the young fellows at first talked much of heroic resistance to the tyrannical order, in the end, when the time expired, they all obeyed to the last man.

Yet not even this experience induced the king to ask himself whether, after all, the spirit of insubordination in the academic world could be so powerful as he had imagined. He considered what Metternich had reported to him concerning the intrigues of political parties working in obscurity had now been completely justified by the course of events; he refused to sign the new gymnastic ordinance when it was laid before him, sent urgent advice for the adoption of severe measures both to Weimar and to Carlsruhe, on the ground that the "unhappy disorders among the university youth have attained to a truly alarming height"; and commanded Count Bernstorff to consult with the Austrian envoy Zichy (who had just received instructions by courier) concerning extraordinary resolutions on the part of the Bundestag.[1] The new director of the department of police, Privy Councillor Kamptz, with the support of Wittgenstein, ardently threw himself into the work of investigation. A Mecklenburger by birth, and therefore accustomed to a deathly stillness in public life, he really seems to have believed in the great conspiracy, but at the same time he desired to avenge himself upon his literary opponents. There at once flocked to his assistance a rabble rout of depraved men, who were accustomed to thrive in the miasmatic atmosphere of mistrust and suspicion: the councillors Tzschoppe, Grano, and Dambach, men animated by vulgar ambition, who undertook

[1] Bernstorff to Varnhagen, April 23; Krusemark's Report, April 16; Instructions to Krusemark, May 17 and June 15, 1819.

the journeyman's work of the prosecutions with tenacious and bloodthirsty zeal.

Whilst the German courts were thus mastered by blind terror, Metternich luxuriated in the sentiment of gratified vanity. Once again he had foreseen everything, the devilish plans of the reprobates who dreamed of German unity had been disclosed; now was the opportunity to exploit the anxiety of the German crowns, "to give matters the best possible turn, to draw from them the greatest possible advantage." During the spring of this year, Emperor Francis visited the Italian courts. Metternich, who with the Prussian envoy Krusemark, travelled in the monarch's train, sent to his wife from Rome and Naples reports of the journey which produce on the mind of an unprejudiced reader somewhat the impression as if a commercial clerk greedy of knowledge had written them and Baron Münchhausen of happy memory had appended certain historical and statistical observations. He displayed his sentiment for art by playing the patron to certain fashionable French and English painters. On the other hand, the exhibition which the German painters had instituted in the Palazzo Caffarelli in honour of the emperor was hardly deemed worthy of a glance. The Viennese could make nothing of the high-flown idealism of these Nazarenes; moreover the artists of San Isidoro had long hair and wore Old German coats, and, notwithstanding the artists' Catholic sentiments, these peculiarities rendered them extremely suspect in the emperor's eyes. The political aim of the journey was ostensibly attained. Emperor Francis was hailed everywhere by the polite world as protector of Italy. He visited the Vatican as guest of the pope, who overwhelmed the ruler of the leading Catholic power with tokens of honour, and decorated the archduke Rudolf with the cardinal's purple. This sufficed to determine Metternich's judgment. Why should he concern himself to glean information about Roman affairs from Niebuhr, the Prussian envoy, who, despite his conservative inclinations, despite his respect for the pope's gentleness and for the sagacity of Cardinal Consalvi, had speedily come to the conclusion that the eternal city had been far happier under Napoleonic rule than under the restored priestly dominion? To the Austrian statesman, conditions in the Pontifical State seemed altogether admirable, whilst the lazzaroni of Naples beneath the blessings of Bourbon rule were "a hundred-fold more civilised than they had been twenty years before." He declared it altogether impossible that the plaintive but spiritless Italians should

ever venture upon raising the standard of revolt—making this prophecy barely a year before the revolution simultaneously broke out in Naples and in Piedmont.

He manifested the same certainty of statesmanlike insight in his judgment of German affairs. To him this outwearied people seemed long overripe for revolution. "I vouch for it," he wrote to his wife, "that in the year 1789 the condition of the world was perfectly healthy when compared with the state of affairs to-day!" Even before the Wartburg festival, he had several times discussed with the South German envoys whether there ought not to be instituted in Vienna a common *foyer* for the observation of the German revolution. Now came one appeal for help after another from the minor courts. They all complained of their own heedlessness, and expressed their admiration for the penetrating insight of the great statesman who alone had foreseen the reckless purposes of the Burschen. How was it possible that this vainest of men should now be free from a self-admiration verging upon lunacy? Since the solitary giant of the eighteenth century had passed away (he doubtless referred to Frederick II), Metternich found that the human race had become contemptibly petty. "My spirit," he declared, "cannot endure anything petty; I command a view which is incomparably wider than that which other statesmen see, or desire to see. I cannot refrain from saying to myself twenty times a day how right I am and how wrong they are. And yet it is so easy, so clear, so simple, to find the only right path!" Thus the idealistic pride of the German youth was countered by the cold arrogance of the man of the world, who was never inspired with enthusiasm for any abstract idea, who had never given a thought to the great interests of human civilisation, but who regarded fear, that meanest of human passions, as his natural ally, and who, amid all the follies of police persecution, continued to imagine himself a wise advocate of statesmanlike moderation, saying: "The sacred mean where truth is to be found, is accessible to but few."

Without even asking for proofs, he regarded it as established that the "Jena Fehm" chose its members by lot, in order to despatch them throughout Germany for the work of assassination; the power of the individual German states was inadequate to deal with so terrible a conspiracy. Consequently when King Max Joseph consulted the court of Vienna, as well as that of Berlin, regarding the suspension of the Bavarian constitution, Metternich returned an evasive answer. The press, the

universities, and the chambers must be gagged by the common action of all the federal states, under Austria's leadership. "With God's help, I hope to avert the German revolution just as I have overthrown the conqueror of the world!" He was firmly supported by his monarch. Now, as always, Emperor Francis desired repose. Never must the quiet life of his press, of his postulate Landtags, and of those schools which in Old Austria were termed universities, be disturbed by the follies of his German neighbours. He whole-heartedly approved his minister's theory that every federal prince would commit "a felony against the Federation" should he allow freedom to the press, since, owing to the existence of a common language, the virus of this freedom might infect German-speaking Austria. He declared with cynical frankness that it was necessary to play upon the fears of these weak governments, and he empowered his statesmen, in case of need, to threaten that Austria would secede from the Federation.

At length Prussia was won over. It was possible to count upon the old friends, the high tories of England-Hanover, for count Münster was one of the pillars of reaction, and the English parliament rarely troubled itself about the internal affairs of Germany. Münster did not forget the undisciplined conduct of the Burschen of Jena during a chance visit he had recently made to the town, and the English diplomats were prepared to swear that the whole of Germany was enthusiastically advocating political assassination.[1] Nor was any opposition to be feared from Prussia. It is true that Capodistrias, who happened to be visiting an Italian spa, was still regarded by the Austrians as an extremely suspect person, and he had quite recently refused an invitation from Metternich because he wished to avoid distressing explanations. But at this moment the views of the Greek were of little account at the court of St. Petersburg when compared with the advice of Nesselrode, who always agreed with Metternich, and who obstinately continued to repeat to the German envoys that it was incredible so talented a nation could permit the continuance of the dangerous exceptional privileges of its universities! As a work of supererogation, Emperor Francis wrote personally to the czar, expressing his sympathy on account of Kotzebue's murder, and taking the opportunity to complain of the conduct of Alexander's former tutor, Laharpe, because in Italy Laharpe was making an improper use of his imperial pupil's

[1] Apologia of th Jena Burschenschaft to Count Münster, July, 1819. Report of von Cruickshank, grand-ducal Saxon Resident, Berlin, July 28, 1819.

name, and, in the name of Russia, was stimulating disaffection in Rome. The czar paid no attention to this imperial denunciation, but as far as German affairs were concerned he took the same view as Nesselrode. The hatred of Russia which found expression in the attacks made by the Jena students upon Kotzebue and Stourdza was regarded by him as a personal affront, and he expressed a vigorous censure of Charles Augustus' laxity in his proceedings against the demagogues.[1] To sum up, the Austrian court had a perfectly free hand for its campaign against the German revolution.

It seemed for a time as if the first blow would be directed by the Bundestag. Despite all his good-will, after Sand's crime Grand Duke Charles Augustus had not been able to spare his university the institution of certain severe measures. He commanded that a stricter discipline should be imposed, and ordered that, until further notice, foreigners should be admitted to the university only upon special recommendation from their respective governments, because the spirit of the students " takes here and there a dangerous turn, and much of this poison is brought to Jena from foreign schools."[2] Since the *Isis* continued to rage, measures were at length taken against Oken. After the senate had vainly uttered remonstrances, it was necessary to lay before the good blusterer the choice of abandoning his professorial position, or giving up his newspaper. Since Oken rejoined, after his manner, that he had no answer to make to such a proposal, he was dismissed from his professorship amid the lively condolences of his professorial colleagues. Soon afterwards he had to transfer his newspaper to Leipzig. He himself endeavoured to settle in Würzburg, but this was forbidden by the direct order of the king.[3] He then passed some time in learned labours in Paris, being the first refugee of the German agitation. At the Bundestag, the Hanoverian government, alarmed by the exodus of the Göttingen students, had made confidential enquiry as early as December, 1818, whether all the states which possessed universities ought not to agree upon common measures to secure academic

[1] Krusemark's Reports, May 21 and June 30; Blittersdorff's Reports, St. Petersburg, April 21, May 30, 1819.

[2] Rescript of Grand Duke Charles Augustus and of Duke Augustus of Gotha to the academy in Jena, March 30. Count Edling, Instructions to the federal envoy, von Hendrich, March 28, 1819.

[3] Zastrow's Report, October 9, 1819.

tranquillity.[1] This suggestion was immediately utilised by the grand duke to avoid worse happenings, and to defend his Jena against unjustified attacks. He made the formal proposal that the Bundestag should issue rules for university discipline, but without imposing limitations upon ancient academic liberties. "No country," says a cabinet memorial, "is richer than Germany in men of thoroughly grounded learning, men of culture, loyal in the state service, efficient servants of the church, and these advantages have been secured through the work of the German universities." Never, continued the document, must the universities, which Count Buol himself in his inaugural address had declared to be a proud monument to German development, never must they be transformed into schools. "Freedom of opinion and of teaching must be preserved to them, for truth would be found here, in the open conflict of opinions; the pupils must be safeguarded against one-sidedness, against reliance upon authority, and must be trained to become independent." There was appended a cordial defence of the students. They had desired in their Burschenschaft to realise the fine idea of the unity of the Germans; those who in the war had been utilised as fit to bear arms must not immediately thereafter be treated as infants. When this declaration[2] was read in the Bundestag, on March 11th, before Sand's crime had been committed, the assembly was greatly embarrassed. Count Buol and several of the other envoys urgently begged Hendrich, the representative of the Ernestine ruler, to withdraw his proposal, because this matter did not fall within the competence of the Federation.[3] Charles Augustus, however, held firmly to his resolve,[4] and subsequently, after the assassination of Kotzebue, sent Privy Councillor Conta to Frankfort in order to advocate the proposal. But "from the personality of the federal envoys," Conta gained the conviction that a federal resolution was unattainable, and merely endeavoured in confidential conversation to secure an agreement among the envoys of those states immediately concerned in the matter.[5]

The views of the court of Vienna differed from those of

[1] Hendrich's Report, December 28, 1818.

[2] Grand Duke Charles Augustus, Rescripts to Hendrich, January 26 and February 17, 1819.

[3] Hendrich's Reports, March 12, 1819.

[4] Charles Augustus, Rescript to Hendrich, March 16, 1819.

[5] Conta, Report to the Grand Duke, May 4. Goltz's Report, Frankfort, May 17. Blittersdorff's Report, St. Petersburg, May 8, 1819.

its perplexed envoy. The Hofburg desired to utilise the Weimar proposal to induce the Federation to direct an immediate blow against the universities. Gentz and Nesselrode heard with disgust the bold language of the prince who, at such a moment, still ventured to defend the free struggle of opinions and the dreams of unity which inspired the German students. Metternich, on the other hand, expressed the opinion, "This old Bursch cannot be punished with contempt, for he is used to it." Such was the tone in which an Austrian statesman now ventured to speak of the most renowned member of the German estate of princes—the days of Wallenstein threatened to return. Consequently Count Buol was instructed to agree to the discussion of the Weimar proposal, in order then to carry through a counter-proposal which Gentz had elaborated in accordance with the ideas of Adam Müller, a master-stroke of pusillanimity in the way of police regulations. The plans of the house of Austria for the reform of the German universities consisted principally of two proposals. The students were to be deprived of their exceptional position, and in disciplinary matters, as well as others, were to be exclusively subject to the control of the ordinary police; for through the agency of the college servants and similar persons the police could readily be kept informed of the proceedings of the young people. Further, all the German governments were to pledge themselves that no university teacher who had been deprived of his office for promulgating dangerous doctrines should ever be reinstated at any German university. It was upon this latter point that the Hofburg laid especial stress. In Gentz's view, all the sins of the students were due simply to the reckless doctrines of their professors, and he brazenly declared it to be unquestionable that Oken, Fries, Luden, and Kieser were the true assassins of Kotzebue. Emperor Francis, suspicious of everything which lay beyond his own immediate circle of vision, held the same view. He urgently commended to all the courts the acceptance of the Austrian proposal, and personally begged the king of Prussia to give it his friendly support.[1]

The slowness of the regular proceedings of the Federation offered, however, a certain guarantee against surprises. When the customary sending for instructions began, and the governments had maturely considered the difficult question, it once more became plain how little the Austria of Metternich had in common with German civilisation. In Austria it was only the

[1] Krusemark's Report, May 21, 1819.

medical faculties which enjoyed the complete freedom of teaching and study that prevailed at German universities. In Berlin, on the other hand, there was a lively feeling that to take forcible action against academic freedom might readily destroy all the foundations of German culture. Even the timid Ancillon was, after all, unable altogether to renounce the cause of the German professors, and gave the Hofburg to understand that for Germany all this was more difficult than for Austria, because Germany possessed great universities, which were teaching institutions, and not simply educational institutions, and which could thrive only in freedom.[1] Eichhorn, who for a year past had reported upon German affairs in the Prussian foreign office, composed for the Bundestag an able memorial (July 10th) which did not, indeed, express itself so considerately towards the arrogance of the younger generation as had done Duke Charles Augustus, but which was in full agreement with the practical details of the Weimar proposal. In Eichhorn's view, the chief institutions of the German universities, as they had come into being in the course of historical development, seemed thoroughly healthy; he warned the governments against the attempt to intervene in this world of freedom with threats and exhortations, saying, "The utterance of a government is of necessity also an act"; he even ventured to express the simple thought, one which at that moment was an extremely bold one, that under certain reservations students' societies might perhaps be permitted, for the innumerable prohibitions issued for centuries past had been without avail; and finally, he expressly declared against the proposal that a dismissed professor should never be reappointed at any university. It would suffice, he said, if the governments should conscientiously communicate to one another the reasons for any such dismissal, for certainly no German prince would ever take into his service a corrupter of youth. In the committee of the Bundestag, the views of Prussia were by no means all carried into effect; the Austrian proposal that no discharged professor should ever be reinstated, was adopted by Bavaria, Hanover, and Baden, despite Prussia's opposition. But in the further course of the negotiations, Austria everywhere encountered the hostility of particularism, whose existence is nowhere better justified than in the domain of academic life. Even these alarmed petty princes did not wish that the peculiarities of their universities should undergo complete atrophy, and would only agree upon

[1] Ancillon, Instruction to Krusemark, June 15, 1819.

a few common rules; it was all the harder to overcome their resistance since university affairs were unquestionably outside the competence of the Federation.

Metternich felt that he would never attain his ends through the instrumentality of the Bundestag, and in any case the anarchical condition of the Frankfort assembly had long before aroused the anger of the court of Vienna. Count Buol, with his poverty of ideas and his tactless violence, was unable to lead the assembly. Just as little was the good-natured Goltz fitted for the position he occupied; owing to an indiscretion he had quite recently been recalled, and with difficulty had secured forgiveness from his court.[1] Thus it might happen that some of the envoys of the lesser states, Wangenheim, Harnier, and Lepel from the two Hesses, Smidt of Bremen, and others, secretly supported by the crafty Bavarian Aretin, would come to constitute a liberal opposition, a state of affairs utterly unjustified in an assembly of diplomats, because this opposition would base its actions, not upon instructions from the courts, but simply upon the personal convictions of the envoys. In the sittings in committee, the representatives of these minor states were arrogantly inclined to display the superiority of their culture and their eloquence to the envoys of the two great powers. At the same time the liberals were the advocates of particularism, being indefatigable in the discovery of wiles and machinations to hinder the completion of the federal military organisation. Just at this time, Wangenheim privately showed his colleagues an autograph memorial from the king of Würtemberg wherein an attempt was made, altogether in the sense of the Confederation of the Rhine, to incite the German sovereigns against the military dictatorship of the two great powers, and this document was so spitefully worded that Austria and Prussia were forced to make serious representations in Stuttgart.[2]

A speedy and comprehensive decision, such as was desired by the court of Vienna, was not to be secured from this assembly. Consequently, as early as April, Gentz advised that a confidential understanding should first of all be secured with the greater courts, and Metternich agreed with the proposal, as soon as he was informed of the tardy course of proceedings at the Frankfort committee. It was his intention

[1] Goltz's Report to the king, March 9, 1819.
[2] Krusemark's Report, January 11, 1819.

to go to Bohemia in July, in order to disclose to the king of Prussia, who at this season was in the habit of visiting the spa of Teplitz, the programme of certain provisional federal laws. Nothing but federal laws, he repeatedly wrote to Berlin, would serve to remedy the far-advanced evil of revolutionary conspiracies; the time had long passed in which measures on the part of isolated states of the Federation would suffice.[1] If an agreement with Prussia were secured, the representatives of the two great powers would in Carlsbad come to an understanding about the laws of exception with the ministers of the greater states of the Federation, and these laws would have to be adopted and promulgated by the Bundestag without further deliberation, for who among the petty powers would venture to resist the desires of the nine most powerful German courts if these had unanimously decided upon a course of action. After the exceptional laws had been completed, the ministers of the federal states were finally to assemble in Vienna in the course of the winter in order to effect that enlargement of the elements of the federal constitution which had been promised since the year 1815 (of course in an ultra-conservative sense), and especially to establish binding general rules as regards representative institutions. This plan closely resembled a *coup d'état*. It contemptuously overrode all the constitutional rights of the Bundestag, and involved the severest criticism of the federal constitution, implying that from this Federation no definite action could be secured by any other means than by intimidation and the use of arbitrary power.

Delighted at heart, Gentz now worked with holy zeal at the proposals for the Carlsbad meeting: provisional exceptional laws against the universities, the press, and the demagogues; with, in addition, an interpretation of article 13 for which the follies of the Badenese chambers gave a welcome pretext. If the liberals had unscrupulously interpreted article 13 as the promise of a representative system, Gentz was quite ready with an opposing sophistical argument which was at least as well-founded as the other. When article 13 spoke of a representative constitution, it meant estates and nothing more. If the German states, Gentz wrote to Soutzo the hospodar, should adopt a democratic representative system, all federative unity would be broken up, and Austria would find it beneath her dignity to participate any longer in such a federation.

[1] Krusemark's Reports, Rome, June 4; Perugia, June 22, 1819.

Meanwhile, in profound secrecy, the minor kingdoms, and also the especially trustworthy courts of Baden, Mecklenburg, and Nassau, were invited to send their leading ministers to Carlsbad in July, and all joyfully accepted the proposal. No information was vouchsafed to the other cabinets: in the case of some because the time was short, and because only a small group of ministers could rapidly come to any conclusion; in the case of others, because Emperor Francis regarded them with mistrust. As late as July, the Weimar envoy innocently reported from Berlin that the forthcoming Carlsbad congress was beyond question chiefly directed against France.[1]

At the court of Vienna no words could any longer be found sufficiently strong for the description of the grand duke of Weimar. The Mæcenas of the German wits, it was mockingly said at the Hofburg, had now become the patron of German political assassins; a few hotspurs were already recalling the fate of John Frederick. The good prince held his own as long as he could. In the spring of this year he even thought of nominating the dreaded Gagern as his federal envoy, but General Wolzogen fortunately dissuaded him.[2] Meanwhile there came to hand serious exhortations from Russia, and plain threats from Austria. On the journey to Carlsbad, Metternich bluntly declared to a statesman of one of the minor courts that the only legal ground for the existence of the petty federal states was the federal act, that only as members of the Federation had they secured the recognition of the European powers, and that by felony against the Federation they would forfeit their existence. However certain it was that this preposterous legal view was absolutely contrary to the international character of the federation of German states, and that it infringed the sovereignty of all the German princes which had been so often and so ceremoniously recognised, Charles Augustus was well aware how much this sovereignty was worth in the way of substantial support, and he was not so foolish as to attempt with the paper strength of a paragraph in the federal constitution to undertake a struggle for power against the declared will of all the greater states of the Federation. Once again, in the evening of his days, he had bitter experience of the falsity of particularism from which he had suffered all his life. He had silently to accept what he was unable to prevent,

[1] Cruickshank's Report, July 10, 1819.
[2] Goltz's Report, May 25, 1819.

and could do no more than secretly resolve to apply the Carlsbad decrees as leniently as possible. Next to Weimar, the curia of the free towns was especially suspect to the court of Vienna; the venerable and patriarchal senates of the four communes owed this undeserved reputation to the good Smidt, the federal envoy of Bremen, who really cherished a genuine admiration for the federal constitution and for the house of Austria, but who always desired that the promises of the federal act should be seriously carried out, and who occasionally gave offence by his bourgeois candour.

The Bundestag itself, just as much as the minor courts, remained without any news of the Carlsbad undertaking. After its deliberations about the universities, this body had fallen altogether into the disfavour of the Hofburg, and Gentz himself said something which would shortly before have still been regarded as high treason, namely, that this assembly was not a whit better than the Reichstag of Ratisbon. The affair was to be a secret even from Count Buol, and the unhappy Goltz had once more to play the part which he had played in the spring of 1813, when he sat among the French troops with a governmental committee in Berlin, while the king in Breslau was preparing for war against France. It was simply a matter of rumour in Frankfort that the visits which so many German ministers were making to Carlsbad, ostensibly for the sake of their health, might also perhaps lead to political conversations.

As late as July 31st, Smidt sent to his senate an innocent memorial concerning the matters which, in his opinion, ought to be discussed at Carlsbad. He, also, thought it desirable to allay the excitement of public opinion, but he wished to reconcile "the German nations" with existing circumstances, so that they should not ever and again be embittered by the sight of the political and economic prosperity of conquered France, and he therefore recommended to the Bundestag lively action on behalf of the general welfare, such as the Federation had already displayed in the organisation of the federal army, which, however, unfortunately had not yet come into existence. Smidt hoped that the Bundestag would by degrees effect the abolition of the internal customs-dues of Germany, but was careful to warn against any exaggerated hopes, so that Austria, which hardly needed the German market, might not be rendered hostile; he hoped for a federal court of justice, hoped for a

common foreign policy conducted by the diplomatic committee of the Bundestag, and hoped for many other excellent things. So little notion had he of Metternich's designs.

How significant a contrast! On the one hand, the amorphous federalist dreams of an upright patriot, in his native republic the prototype of a cautious and practical statesman, who, with childlike confidence, expected the impossible from the incurable futility of the Germanic federation; on the other hand, the cynicism of an un-German policy which proposed to enforce calm upon the peoples by police pressure, but which pursued its secret aims with finished cunning and clear calculation. There could have been no doubt in such a competition to which side victory must accrue, even if there had not existed a ludicrous inequality of forces. The Hanseatic statesman never dreamed that his innocent memorial would be betrayed to the court of Vienna, and that there, notwithstanding his ardent asseverations of fealty to the house of Austria, it would be regarded askance as a new indication of demagogic sentiments. The nine courts in the conspiracy had nothing to fear from these petty opponents, and Gentz triumphantly announced to his friend Pilat that a moment of sublime importance in German history had arrived.

Meanwhile, in the course of July, the first arrests and domiciliary searches took place in Berlin; on July 13th, Privy Councillor Kamptz reported to the chancellor upon the result.[1] Abruptly and roughly, with criminal levity, he had loosed his pack of hounds upon all who might by any possibility have the remotest relationship to the Burschenschaft. Yet the number of arrested persons remained extremely small, for Metternich was deliberately lying when he indicated Prussia as the breeding place of revolutionary designs. The Prussian universities, in especial, had remained comparatively unaffected by the Teutonising movement. What the Austrian and his Prussian adherents were aiming at was, not the revolutionary sentiment, but German national pride, and this unquestionably found its strongest support in the people, the army, and the officialdom of Prussia. In Berlin, Jahn was the first victim. He was brought to Spandau, and then sent to the fortress of Küstrin. His position was a serious one, for among the papers of the students and school-boys who had been arrested, the

[1] Hardenberg's Diary, July 13, 1819.

Golden Sayings and other foolish outpourings of the Turnvater's heart had been discovered, all extremely suspicious to the minds of timid underlings.

Since the state was supposed to be in danger, it was considered legitimate to intercept and examine letters. In the case of quite a number of young men charged with isolated acts of folly or quite harmless epistolary utterances, the hearing was adjourned from month to month. For example, the two Swiss students Ulrich and Wyss had to undergo prolonged examination because in one of their letters the observation was found that Sand's crime would injure the good cause. It seemed that "the good cause" could mean nothing but a demagogic conspiracy. When the accused asked what precisely was meant by "demagogic," the examining judge, an extremely youthful referendary, answered that the term demagogic meant "any forcible evocation of a constitution." Again, one of the most respected burghers of Berlin, G. A. Reimer the bookseller, a man in a large way of business, a bold venturer but a prudent calculator, one of the first representatives of the reawakening economic energies of the German bourgeoisie, had his house searched because he was undoubtedly acquainted with Niebuhr, Eichhorn, and Schleiermacher, and because the devotees of gymnastics frequently visited his hospitable home. Grano and Dambach participated in person in the important affair. Reimer himelf was absent on a journey, and since Eichhorn, as a friend of the family, gallantly offered his services to Reimer's wife, and insisted that the examining officers should show their search-warrant, these subordinates revenged themselves by sending in a shameless report in which they expressed the definite opinion that Eichhorn—one of the leading officials of the monarchy—might very probably be connected with the conspiracy. Among Reimer's papers were found a few of Schleiermacher's letters dating from the days of the peace of Tilsit, in which the writer spoke of an approaching popular rising, and this phrase, which related to an uprising against foreign dominion, was sufficient to throw suspicion even upon the great theologian. During the next few months, his sermons were subjected to police supervision. The spies reported that he was accustomed to speak of "the liberation of the spiritual powers of mankind which we owe to the teaching of Christ"; the hymns sung by the congregation were suspect; and, to crown all, "four students with beards, after

receiving the Holy Communion, continued kneeling, apparently in devout prayer." [1]

Kamptz did not hesitate to publish numerous sentences from the letters of the arrested persons, some of these sentences being distorted, and he published them although he was one of the most zealous defenders of secret judicial procedure. In the *Vossische Zeitung* he wrote so defamatory an article concerning Jahn's arrest that the prisoner instituted a prosecution for slander which could be suppressed only by an appeal to legal technicalities. In the *Jahrbücher der Gesetzgebung*, he endeavoured to instruct the Prussian judges, telling them that even if they had to do with nothing more than criminal theories, they must regard these as constituting the offence of high treason. Stägemann was forced to open the columns of the *Staatszeitung* to the most ridiculous revelations, and, like many another upright official, consoled himself with the view that, after all, the suspicions could not be utterly groundless, because if they were the highest police authorities would not talk with such absolute confidence. In these revelations it was stated that a gymnast sixteen years of age was responsible for the horrible utterance: "Oh! excellent Sand, you did not know what blockheads we were!" The same young rascal, who had plainly just been intoxicated by reading Schiller's *Robbers*, had also written: "I should like to see someone hanging on every tree between here and Charlottenburg; then I could breathe more freely"; and further down, "To kill the whole eight-and-thirty of them would be a trifle, the work of a moment." As regards this last utterance, the *Staatszeitung* sagely remarked that the eight-and-thirty Serene Highnesses of the Germanic Federation were plainly signified. These scandalous absurdities appeared in the official journal of the monarchy, side by side with admirable essays displaying the perspicacity of a benevolent and just government. If the idiocy of official understrappers could thus expose this glorious state to universal ridicule, is it surprising that public opinion began to despair? The Prussian state resembled a man whose intelligence is in other respects sound but who has become the prey of a fixed idea; in all other branches of the administration the ancient and honourable

[1] Account by Wyss of his arrest on July 7; Report of the commissaries Grano, Dambach, and Eckert upon the domiciliary search at G. A. Reimer's, July 11; Police Report to the superintendent of police Le Coq, November 14, 1819, et seq. These and other papers relating to the history of the persecution of the demagogues, I owe to the kindness of G. Reimer of Berlin, Further details will be found in the *Preussische Jahrbücher*, July, 1879.

traditions were preserved, and it was only against the demagogues that the depraved elements among the officialdom had free play.

On the Rhine, with the guidance of his vulgar instinct, Kamptz had selected for attack the very men who represented the Prusso-German spirit in the difficult province. In Cologne, for example, the procurator, L. von Mühlenfels, was arrested, an enthusiastic patriot, who had proved his courage at Dennewitz. He was acquainted with the brothers Follen, but had never been initiated into their secret designs. Simultaneously in Bonn domiciliary searches were made in the houses of Arndt and the brothers Welcker. Vainly did Humboldt guarantee the innocence of his young friend F. G. Welcker, the philologist, begging the chancellor to consider how readily the new university might be destroyed if a new professor, so recently appointed as a man worthy of all honour, were to be exposed to so ridiculous a prosecution.[1] In Giessen, as professor of archæology and philology, Welcker had already aroused the anger of the Rhenish Confederates by his nationalist enthusiasm ; subsequently, when professor in Göttingen, he had been denounced by Kamptz to the Hanoverian government, and he now had to wait six years before Minister Schuckmann informed him that the investigation had disclosed nothing amiss.

Still more cruel was the fate of Arndt. Anyone who in an age of anonymous journalism has the courage to defend his political opinions with candid vigour will not in the long run escape arousing intense hatred. As soon as the domiciliary searches at Bonn were reported, the numerous enemies whom Arndt had made among all parties set busily to work ; his peregrinations in the service of the fatherland were represented to the monarch as suspicious proofs of an adventurer's inconstancy, and the king, who for a long time to come remained firmly convinced of the existence of a secret association threatening the order of society, provisionally forbade the continuance of his lectures. The man who had formerly raised his voice on behalf of the reconquest of the German river, regarded it as " a terrible irony " that here, on the liberated Rhine, he should become the victim of exceptional legal procedures. He wrote to the chancellor : " They certainly will not discover me to be a rascal and a traitor, to be a base slave who calls wrong right." For two decades he was to suffer under an injustice which remains the most detestable of all the sins of this demagogue-hunt. Before long, the

[1] Humboldt to Hardenberg, July 20, 1819.

bloodhound's scent of Kamptz's tools put them on the trail even of the chancellor's confidants. The indefatigable Grano appeared in person on the Rhine in order to go through Dorow's papers. Justus Gruner, too, who, stricken with a mortal illness, was seeking relief in Wiesbaden, was visited by the police agents, and the closing days of his brief life were embittered by an affront which the passionate man profoundly resented.

It seems improbable that Hardenberg can have believed in all the fables of the demagogue-hunters. Even now, from time to time the old man displayed his kindly heart. He gave assistance to the wife of the unhappy Jahn, two of whose children died during the latter's prolonged imprisonment; and he wrote in a friendly spirit to Dorow, saying that Dorow might confidently disclose all his secrets, for then his innocence would be plainly manifest to all. Yet even in Hardenberg's private letters there is not a word to be found of regret or hesitation, but rather a number of severe remarks upon the recklessness of the demagogues. He, too, had been convinced by Wittgenstein, whom he regarded as a faithful friend, and he believed in the existence of a grave danger to the state, even though he could not approve every step taken by the prosecutors. At a later date, his panegyrists, Benzenberg and Constant, maintained that Hardenberg was in appearance only at the head of the reactionary party. This assertion is incorrect. He still held firmly to his constitutional designs, but they could not be realised unless the king were completely at ease regarding the safety of the state.

The older men among the accused bore their fate with a quiet dignity which should alone have sufficed to show the baselessness of suspicion. Neither Arndt, F. G. Welcker, nor Mühlenfels, ever allowed their monarchical sentiments to be impaired or their Prussian loyalty to be disturbed by the injustice done them; while Reimer continued with undiminished fervour, and notwithstanding all the affronts that had been offered him, to preach courage and confidence to his morbidly depressed friend Niebuhr.[1] The hot-blooded Carl Theodor Welcker stood alone among the victims in the fierceness of his anger. He was an unconditional admirer of the representative system, and at the time of the Vienna congress, in a speech upon "Germany's Freedom," had demanded a German parliament. It was natural enough, therefore, that such experiences should lead him to pass

[1] I have published the correspondence between G. A. Reimer and Niebuhr in the *Preussische Jahrbücher*, August, 1876.

an extremely hostile judgment upon the Prussian state—a judgment which found only too ready an acceptance among the liberals of the south-west. In the case of the younger men, on the other hand, it was by persecution that many of them were first driven into revolutionary courses, so that, for some, existence was blighted in the bud, whilst others were forcibly estranged from the fatherland. Such was the case with Franz Lieber, who, after long wanderings, found a new home in America, and there defended the ideal of the federal republic with all the wealth of ideas of the German historical school of law, for Lieber was the most talented among the publicists of modern democracy.

Although the majority in the Bundestag hailed the wholesome severity of the Prussian government with servile gratitude,[1] the stupidity of the persecution of the demagogues was really of sinister importance to Prussia, and to the relationship of Prussia to the nation. Niebuhr had prophesied: "What a life without love, without patriotism, without joy, full of disaffection and anger, must result from such relationships between subjects and governments!" This prophecy was literally fulfilled. Whilst the particularist liberals had hitherto vilified the Prussian monarchy without reason, they were now able to throw themselves with delight upon the open wound in the body of the German state. Since the German-Austrians remained completely aloof from the national movement, and since Metternich had hitherto found little opportunity for making arrests, Prussia now was regarded as the power of darkness in German life; and in the minds of the self-satisfied constitutionalists of the south-west an anti-Prussian prejudice became firmly established which, however foolish it might be, yet exercised a real power, and was a serious hindrance to our political evolution. The futility of the proceedings against Arndt and Jahn made people feel that there had been no ground for police interference at all. But at least one genuine conspirator had been seized, Adolf Follen, in Elberfeld. At his rooms was found the proposal for the constitution of the German republic; but while so many innocent persons had to suffer, he, with the characteristic unscrupulousness of the Unconditionals, was able to delude the examining judge.

Louder and louder became the rumour that the Carlsbad assembly was to prescribe definite forms and limits for the German

[1] Goltz's Report, July 20, 1819.

Landtags. To avert this danger, even at the eleventh hour, two sovereigns independently endeavoured to promulgate constitutions. The princess regent Pauline of Lippe-Detmold, one of the ablest women of her day, had for a considerable period been engaged in a dispute with her estates because she desired a reform of the old Landtag composed of thirty-two knights and seven towns, and wished that each of the three estates should have equal voting power. She was the benefactress of her little country; the burghers and the peasants were upon her side to the last man; and she spoke with frankness (which aroused unfavourable comment in Vienna) of the natural right of the people to representation of all classes. But where matters of positive law were concerned, she was, after the feminine manner, far from precise. As formerly had been King Frederick of Würtemberg, she had been inspired with a vigorous sense of sovereignty by the destruction of the Holy Empire, and having no longer to dread the imperial majesty, she considered, in addition, that she was no longer bound by local agreements. The old estates exhibited a no less vigorous resistance than in Würtemberg, and complained to the Federation. Councillor Schlosser, the same man who had formulated the protest of the estates of Jülich-Cleves, was their literary spokesman. When the Carlsbad conferences drew near, the princess immediately foresaw that the decrees which would there be promulgated would harmonise little with her liberal views, and, quickly making up her mind, on June 6th she promulgated a new constitution for her territory. This liberal *coup d'état*, however, miscarried. Supported by the prince of Schaumburg-Lippe, who claimed a co-sovereignty, the old estates once more appealed to the Federation. After a profoundly secret discussion, in which Wangenheim displayed the whole abundance of his constitutional learning, the Bundestag resolved to offer mediation to the disputants, and summoned the princess to discontinue, for the time being, the carrying out of her new fundamental law. This "for the time being" endured until the year 1836, when at length, with the co-operation of the Bundestag, a compromise was effected.

The king of Würtemberg had better success. Who could possibly foresee and counteract the devious machinations of this master of falseness? King William had been the first to propound the idea that the Federation should impose fixed limits upon the powers of the diets. When he broke off the negotiations with his own Landtag he expressly declared that he wished first

to await the decrees of the Bundestag concerning the rights of the German chambers, and since then he had not abandoned this heartfelt desire. Von Maucler, his new prime minister, like Zentner in Bavaria, trained the officialdom to become a strictly obedient and unconditionally dependent "guard," as the liberals mockingly phrased it. Even the influential privy councillor von Gros, who in former days, when professor at Erlangen, had enjoyed the special favour of Hardenberg, was a shrewd bureaucrat of the enlightened Rhenish Confederate order. Finally, Count Wintzingerode, son of the minister of Frederick I, who had recently been appointed to the portfolio of foreign affairs, had, as envoy in Vienna, acquired Metternich's full confidence by his levelheadedness and strictly monarchical sentiments.[1] The work of the Würtemberg government was characterised throughout by a rigid and shrewd absolutism. To the martinet mind of the king, the noisy licence of the students seemed abominable, and Wintzingerode was already discussing with him the question whether it was not advisable to establish, beside the university of Tübingen, a new Carlsschule with a semi-military discipline. Consequently the invitation to the Carlsbad conferences was far from unwelcome to the king. On the other hand, he was unwilling to forego the reputation of being the most liberal among the German princes, and he desired to complete his constitutional work as a sovereign prince, unmolested by the Federation.

For the past two years he had been playing a double game, which had gradually become a necessity to his intriguer's disposition. He defended the absolute freedom of the Würtemberg press against the Federation and the great powers, but would not allow a word to be said against himself. In Frankfort, through the instrumentality of Wangenheim, the enthusiastic venerator of the federal law, King William advocated the ideas of liberal federalism, and when the hotspur went a little too far, Wintzingerode, who for his part regarded the federal act as a "nonsensical idea," had to offer excuses to the Hofburg, and to lay stress upon the ultra-conservative views of the king. How successfully could this Machiavellian policy be now continued if the constitutional deliberations could be resumed simultaneously with participation in the Carlsbad conferences. Thus the estates might be rendered docile by fear of the Carlsbad decrees; while if in Carlsbad a proposal should be made conflicting with the interests of the court of Stuttgart, the Würtemberg

[1] Krusemark's Report, June 4, 1819.

plenipotentiary might entrench himself behind the Landtag and give regretful assurances that the proposal would never be accepted by the stiff-necked Swabians. Thus would the defiant resistance of the representatives of the ancient rights be broken, and the king's liberal reputation would be preserved.

This political trap was set with considerable skill. On June 10th the king astonished the country by issuing a writ for fresh elections, and on July 13th the Landtag assembled in Ludwigsburg. What a change of mood had taken place during the past two years. The efficiency of the royal dictatorship, which on the whole worked for good, had conciliated many hot advocates of the old rights, and had diminished the mistrust felt for the crown. The folly of the obstinate resistance of the old estates had now become clear to many ; all were dominated, as Schott, a member of the Landtag, openly declared, by dread of the impending Carlsbad decrees, which might so readily " endanger the most valuable right of the country, the free agreement." Sober-minded hopes were now concentrated upon this corner-stone of Swabian freedom ; if the new order could come into existence by general agreement, people were prepared to give way in matters of detail. The Old Würtembergers who had for so long a time lived under the protection of the convention of Tübingen and under the succession settlements, could not even conceive of political liberty without a fundamental convention secured by mutual agreement, and Schiller had voiced his fellow-countrymen's most cordial sentiments when he sang :

> And over every house, every throne,
> Hovers the treaty like a guardian angel.

Several of the leaders of the old opposition, Waldeck, Massenbach, and Bolley, did not reappear in the new Landtag ; others, such as the worldly-wise Weishaar, had in the interim come to terms with the government. In order to protect his popular representatives from temptation, the king dealt with Paulus, the zealous advocate of the old rights, who was on a visit to his native land, by simply expelling him from the country. The deadly enemy of the Würtemberg scriveners, the outspoken F. List, was excluded from the Landtag by an extremely simple expedient. Since on the day of the election he had not quite completed the thirtieth year of his life, the local authority of Reutlingen, acting on orders from above, announced to the electors that their votes were

invalid, but that "they would be allowed to record fresh votes on the following Monday." [1] When subsequently List, having now unquestionably become eligible for election, endeavoured to secure a seat in another constituency, he was involved in a prosecution instituted on account of the revolutionary language of his electoral address, and thus it was possible to keep the inconvenient man at a distance during the entire session of the Landtag. The precaution was hardly necessary, for the oligarchy of the advocates of the old rights had already quietly made its peace with the ministry. The assembly opened with proofs of devotion, which contrasted strangely with the defiance of earlier days, and which were little calculated to cure the monarch of his cynical contempt for mankind. The Landtag thanked the king because he had "once more entered the path leading to a convention upon which from ancient days the constitution of the country has developed," and immediately nominated a committee for the discussion of the new constitutional proposal, which differed from the previous proposals that had been rejected chiefly in respect of conciseness of form and aptness of phrasing. On September 2nd the committee issued its report, and if the old Landtag sinned through pedantic slowness, the new one conducted its work at a furious speed because it desired to counter the Carlsbad decrees by an accomplished fact.

The discussion was completed by September 18th ; in two days one hundred and twenty-one articles had been passed. The bicameral system, which previously had been so passionately resisted, was now accepted almost without a struggle, on the ground that the question was already decided "by relationships which cannot possibly be left out of consideration." All parties felt that if dangerous proceedings on the part of the Bundestag were to be averted, some sort of concession must be made to the mediatised who had been so unjustly treated by the crown. Dominated by this fear, the Landtag even went too far to meet the wishes of the high nobility, conceding to the crown no more than the right of nominating at most one-third of the members of the Upper House (the proceedings of which were to be private), an arrangement which rendered insoluble disputes between the two chambers extremely likely to occur. The idol of the representatives of the ancient rights, the estates treasury, was also half-heartedly defended by Uhland and a small minority. The

[1] Proclamation of the Local Authority of Reutlingen to Peter Votteler, the coppersmith, and others, July 10, 1819.

majority had learned in the interim that this antediluvian institution was incompatible with the unity of the modern state, and, as Schott phrased it, what they desired was, not a feudal, but a representative constitution. When the matter was put to the vote, the opposition was withdrawn, and Uhland, in giving his affirmative vote, formally declared: "The most important thing remains; let us, above all, secure the convention, the primeval rock of our ancient rights." An address from Stuttgart burghers, drafted by F. List, sharply criticising the overhasty proceedings of the estates, was not published until after the close of the deliberations. On September 24th, the king signed the new fundamental convention; the constitution was steered safely to port a moment before the Carlsbad decrees became known to the country. Two days later, King William wrote to Emperor Francis, who had warned him against the work of constitution-building, to say that the course he had taken had been inevitable, but that, in order to please the emperor, he would postpone the summoning of the new Landtag.

Thus at length was realised what the Swabian poet had so often demanded:

> That among the stout people of Swabia
> Right shall prevail, and the convention.

Beyond question the political utility of the new constitution was by no means increased through its having been secured by common assent. Instead of being a work constructed upon a single design, it was a laboriously secured compromise, taking over into the new time many institutions of the Old Würtemberg system which had now become useless or even altogether impracticable. For example, the extensive property of the Lutheran church was to be restored. The servile committee spoke of this decision as "one of the finest and greatest ideas which a ruler had ever conceived," and declared, "we will not desecrate the present moment with a review of the considerations which may seem to suggest the undesirability of this restitution." But the great idea proved utterly impracticable to carry out, for the church land, confiscated years ago, had been fused with the royal domains. Side by side with the ministry there was to exist a privy council; the state debts were to be administered by officials appointed by the estates; a standing committee of the Landtag was to meet in Stuttgart; there was to be a small estates

treasury, which was to provide, however, for the Landtag's own expenses alone—all these being vestiges of Old Würtemberg institutions, which could serve only to render modern administration difficult without increasing the power of the Landtag. The Swabian parochial spirit had been careful to secure the powerlessness of the second chamber. Since not one of the sixty-four chief administrative districts would renounce having its own representative, the result was that, with the representatives of the knighthood, the clergy, and the seven good towns, there were no less than four-and-ninety representatives, the great majority of whom were necessarily persons of no particular account. King William could henceforward enjoy the agreeable hope that he would be able, in his strictly centralised state, to carry on undisturbed his customary rigidly bureaucratic regime. Freedom of the press was promised, " but subject to laws now existing, or to be enacted in the future, against the misuse of this liberty." Only through painful experience were people to learn that such high-sounding promises of " general fundamental rights " were in reality utterly valueless, for even the censorship had not been directly abolished. As a work of supererogation, article 3 provided that all organic decrees of the Bundestag should, as was proper, apply also to Würtemberg.

Notwithstanding all defects, the Würtembergers could not be persuaded out of the belief that their fundamental law was the most liberal in Germany. The constitution, like that of Baden, was a half-way house between the feudal and the representative systems, for at least the deputies from the supreme administrative districts to the second chamber represented the entire people with the exception of the nobility and the clergy. In addition, this constitution possessed, in the standing committee of the Landtag, a peculiar institution, which was, indeed, of little practical value, but which in the opinion of the day seemed a formidable bulwark of popular rights. The populace had manifested its participation in the labours of the Landtag by sending in numerous petitions, directed chiefly against the bicameral system. The most remarkable of these petitions emanated from Reutlingen, a town whose German sentiments were always above reproach, demanding (for the first time in this quiet epoch) the summoning of a national German parliament, on the ground that " in this way only, all the German states can enjoy a genuinely representative constitution." On September 25th, amid loud rejoicings, the monarch swore fealty to the

constitution. It was decided to coin the inevitable medals, and when three days later the king and the Landtag appeared at the Cannstadt popular festival, Swabian enthusiasm for liberty flamed up fiercely. The unsuspecting crowd was still in happy ignorance of what the plenipotentiary of this popular king had meanwhile been contriving in Carlsbad.

The peculiar conditions in which the new fundamental law had come into existence were extremely injurious to the national sentiment of the Swabian land. The constitution had arisen out of a secret struggle against the Germanic Federation. All the speeches of the popular representatives voiced the belief that it was necessary to defend Swabian liberties against the tyranny of the Federation. In such circumstances, the tribal pride of the Swabians, already excessive, gained new force. Since in the centralised authority of Germany the crowns alone were represented, and in the individual states the subjects alone, youthful liberalism almost everywhere acquired a particularist tendency, and nowhere was this separatist spirit more powerful than in Würtemberg, where already the view spontaneously prevailed that the fundamental law, acquired largely in opposition to the will of the Germanic Federation, was superior to that Federation.

§ 3. TEPLITZ AND CARLSBAD.

On July 22nd, Metternich reached Carlsbad, inspired by the proud conviction that "from this place either the salvation or the ultimate destruction of the social order will proceed." Emperor Francis had abandoned a proposed visit to his Lombardo-Venetian kingdom because the repression of the German revolution seemed a more urgent matter. The intimates with whom the Austrian statesman first conversed were, in addition to Gentz, his two friends of the Vienna congress, the Hanoverians, Counts Hardenberg and Münster. In any case, in all matters where no intervention of parliament was to be feared, Metternich could unconditionally rely upon the highly reactionary sentiments of the tory cabinet, and subsequently he wrote gratefully to the prince regent: "One is always certain to find your royal highness on the road of sound principles." But all other assistance was worthless in default of an unconditional understanding with the crown of Prussia. In order to bring this about, Metternich

hastened to Teplitz, and there, on July 29th, had a private conversation with King Frederick William, which determined the course of German policy for years to come. The king showed himself to be extremely discomposed on account of the sinister demagogic plans which, as Wittgenstein assured him, had been disclosed by the latest domiciliary searches; he was annoyed, and with good reason, on account of the chancellor's inefficiency and the dilatoriness of his ministry, which had kept him waiting seven months for an answer to urgent enquiries. He complained, "My own people fail me," and he committed himself confidingly to the advice of this Austrian who in Aix-la-Chapelle had already given him such admirable counsel. Metternich understood how to strike the iron while it was hot. For Prussia, he declared, the day had now arrived for a choice between the principle of conservatism and political death; the great conspiracy had its origin and its seat in Prussia, and it penetrated even the ranks of the highest officials; still everything could yet be saved if the crown would make up its mind not to grant any popular representation in the modern democratic sense of the term, and would content itself with estates. At the same time he handed in a memorial in which he repeated the ideas voiced by him at Aix-la-Chapelle.[1] The king's assent to these proposals was a matter of course, for even Hardenberg's constitutional plan had never aimed at more than a representation of the three estates, and had not dreamed of a representation of the people as a whole.

Upon the monarch's orders, Hardenberg, Bernstorff, and Wittgenstein now held confidential conversations with the Austrian. The chancellor laid his constitutional proposal before his Viennese friend, and secured the latter's complete approval.[2] On August 1st, Hardenberg and Metternich signed a convention evidently drafted by Metternich, concerning the general principles of the federal policy of the two great powers.[3] The convention was to be kept permanently secret owing to "the prejudices which inspire many of the German governments against a closer and most wholesome union between the two leading German courts." The parties

[1] This memorial is perhaps identical with an Austrian memorial which at Troppau was subsequently handed to Count Bernstorff, and which has been published by P. Bailleu in the *Historische Zeitschrift*, pp. 50 and 190, 1883. See Appendix VII.

[2] Hardenberg's Report to the king, August 16, 1819. See Appendix VII.

[3] Agreement concerning the Principles by which the Courts of Austria and Prussia have determined to be guided in the Internal Affairs of the Germanic Federation. Teplitz, August 1, 1819. See Appendix VIII.

to the convention went on to recall the constitutional aim of the Germanic Federation, as guaranteed by Europe; and then declared (article 2) that as European powers it was their duty to watch over the political existence of the Federation, while as German federal states it was their duty to care for the safety of the federal constitution. For this reason, within the interior of the Federation, no principles must be applied that were incompatible with its existence, and all decisions of the Bundestag must be faithfully carried out as laws of the Federation. The article of the federal act which imposed upon the Federation the duty of caring for the internal safety of Germany, an article unquestionably intended solely to avert the danger of breaches of the public peace, thus received an entirely new and utterly arbitrary interpretation; it was to serve to subject to a uniform rule the internal affairs also of the federal states. Since the revolutionary party threatened the existence of all governments (thus proceeded the agreement) the present opportunity must be utilised in order to secure closer union among the German courts, and to establish at the Bundestag the rule of the majority. First of all, therefore, there must be an agreement about article 13 of the federal act—and here followed an astounding pledge which, as far as Metternich was concerned, constituted the kernel of the document. Article 7 ran as follows: "Prussia is resolved to apply this article in its literal sense to her own domains only after her internal financial affairs shall have been fully regulated; that is to say, she is determined that for the representation of the nation she will not introduce any general system of popular representation incompatible with the geographical and internal configuration of her realm, but that she will give her provinces representative constitutions (*landständische verfassungen*), and will out of these construct a central committee of territorial representatives."

Naturally this clause involved a mutual pledge, for, beyond question, Emperor Francis was equally resolved not to introduce any general system of popular representation. Article 7 in essentials conveyed nothing new, for Hardenberg had long before resolved that the constitution should not be promulgated until after the completion of the new financial laws, which were now nearly ready; while the ordinance of May, 1815, expressly prescribed that territorial representation was to proceed from the provincial diets. All the more ignominious therefore was the form of the pledge. Like a repentant sinner, and without any formal counter-pledge, the monarchy of Frederick the Great gave

a foreign power a promise about the subsequent conduct of certain internal affairs whose control every self-respecting state should keep within its own hands; and Metternich reported with delight to his emperor that "Prussia has given an engagement not to concede any popular representation." This was the most shameful humiliation which Hardenberg had ever brought upon Prussia. The policy of peaceful dualism was now to be tested, and its outcome proved to be the subjection of Prussia to Austria's leadership. The chancellor signed the document because he saw no other way of retaining his king's shaken confidence; and because the promise, taken literally, certainly contained nothing which ran counter to the hitherto accepted principles of Prussian policy. But both parties to the agreement cherished hidden designs. By the term "central committee," Hardenberg, as he was soon to show, understood a large national Landtag, whereas Metternich, now, as before in Aix-la-Chapelle, was thinking only of a small committee of about one-and-twenty members, and secretly hoped that even this shadow of a Prussian central administration (of which his emperor was extremely afraid) might yet be prevented from coming into existence. Thus Prussia had completely come over to the side of the new Viennese doctrine, in accordance with which article 13 promised representation of estates merely, and not popular representatives. Both the powers pledged themselves "to assist those states which (under the name of estates) have already introduced systems of popular representation, to return to methods better adapted to the Federation," and, with this end in view, to await first of all the proposals of the governments concerned.

The press was the second object of the Carlsbad deliberations. The two great powers were agreed regarding the principles of a memorial by Gentz, which described in the most emphatic language how, in view of the equality in civilisation in the different states, and the complex circumstances of intercourse among the Germans, no individual state could preserve itself from infection, and how, therefore, every prince who tolerated press licence within his own land committed high treason against the Federation. For this reason a strict federal press law was essential, and, above all, "the German governments must mutually pledge themselves that none of the editors who have become notorious to-day are to be allowed to undertake the editorship of new papers; and, generally speaking, must pledge themselves to reduce as far as possible the number of newspapers."

The third topic for the conference was the universities and the schools. Metternich had a very low estimate of the political capacity of the professors, basing this judgment, characteristically enough, upon the opinion that no professor knew how to pay due regard to the value of property; but he considered the political activity of these unpractical people to be indirectly most dangerous, because they taught "the union of the Germans to constitute a single Germany," and because the rising generation was being brought up "to pursue this insane aim." It was for this reason that he laid so much stress upon the speedy dismissal of demagogic teachers, and Hardenberg was weak enough to throw overboard forthwith all the reasonable principles of that memorial by Eichhorn which Count Bernstorff had only a few days before sent to the Bundestag. He agreed to the stipulation "that professors whose sentiments are notoriously bad, and who are involved in the intrigues of the disorderly students of to-day, shall immediately be deprived of their chairs, and that no one who is thus dismissed from any German university shall be reappointed to a university in any other German state." Finally, it was arranged that the same rules should be extended to the teachers in the schools.

Such were the contents of this unhappy convention. It seemed as if a sinister destiny presided over this unfortunate nation which was so laboriously striving to emerge from its state of disintegration, forbidding to it all possibility of self-understanding, forcibly imposing barriers in the way of any advance towards political power. Many of the disastrous aberrations of the German patriots in later years are explicable solely out of the absolute confusion of all political ideas which was the necessary outcome of the unnatural alliance of the two great powers. It was the aim of the two powers to provide for the authority of the Germanic Federation a reinforcement which was beyond question urgently needed: but they enlarged the competence of the Federation far beyond the prescriptions of the federal act; they allowed it a right of intervention into the internal affairs of the individual states, a right of intervention incompatible with the nature of a federation of states; they even spoke of felony on the part of German princes against the Federation, as if sovereignty by Napoleon's grace had already been annihilated, and as if the majesty of the old empire had been re-established. This "unitarian" policy, however, did not originate out of nationalist sentiment, but out of Austrian particularism. The

Germanic Federation was to receive the authoritative powers of a sovereign state in order to annul for all time the desire of the Germans "to unite themselves to form a single Germany"; in order that the spiritual slumber of the peoples of Austria might continue undisturbed by the higher civilisation and the more lively spiritual energies of their German neighbours. In the most definite terms possible, acting upon repeated commands from his monarch, Metternich declared that he desired to save the Germanic Federation by Austrian co-operation, or, failing this, to separate the Austrian states from Germany, in order to save Austria by herself—and there was not yet to be found in the German nation a single mind to realise the unspeakable good fortune such a separation would be, or to voice the liberating cry, "Let us separate from Austria!"

The means employed to further this policy were as corrupting and as un-German as were the aims of those who initiated it. The Germanic Federation did not as yet possess either a federal army or a federal supreme court, or indeed any kind of universally national institution except the Bundestag; and such a Federation, which could not even protect the Germans against the foreign world, was now (according to the wording of the Teplitz convention), "in the purest spirit of the Federation," to be empowered to disturb by prohibitions and prosecutions the holy of holies of the nation of Martin Luther, the free movement of ideas. Thus German policy sank, as it was aptly phrased, to the level of a German police system; for decades the entire life of the Bundestag was devoted to urgency police measures. The natural opposition between the absolutist centralised authority and the constitutional member-states became accentuated to the degree of irreconcilable enmity; anyone who would not abandon belief in political freedom was henceforward compelled to fight the German Bundestag, and thus the liberal party, although this party almost alone had grasped the idea of national unity with enthusiasm, was forced unwittingly and unwillingly into the arms of particularism. At the congress of Vienna all parties had felt that there must be conceded to the nation some of the "rights of Germanism," that from the side of the Federation a certain moderate degree of political liberty must be guaranteed, and it was only because the arrogance of Rhenish Confederate sovereignty made it impossible to secure an agreement about this minimum that the federal act had gone no further than to make promises expressed in very general terms. Now, all at once,

everything was turned topsyturvy. It was held that upon the Federation devolved, not the smallest possible, but the greatest possible measure of political rights. No longer was the Federation to be the citadel of the nation's freedom, but it was to prescribe limits which the Landtags, the press, and the universities were never to exceed. With what unprecedented frivolity, too, was it proposed to rob of their legal rights " the editors who are to-day in ill-repute, the notoriously disaffected teachers "—as if the arbitrary powers of the Committee of Public Safety to deal with suspects were to be renewed upon the peaceful soil of Germany !

What was the cause of this sinister mistrust felt for a loyal and law-abiding people ? The Landtags of Bavaria and Baden, in the zeal of youthful inexperience, had brought forward a few foolish proposals ; and yet at this very time the docile conduct of the Würtemberg estates showed that it was merely necessary for the governments to draw the reins a little tighter in order to control the presumption of their harmless popular representatives. The press, again, had sinned gravely by its aimless blustering and scolding, nor was Gentz entirely wrong in what he said in his memorial concerning the misbehaviour of the journals. " To-day," he wrote, " there is not in Germany a single newspaper published as the outcome of private enterprise which those of the right way of thinking can regard as their organ, and this is a state of affairs which was unprecedented during the time of bloodiest anarchy in France." But beyond question, in Germany the press did not represent public opinion ; the mass of the nation by no means shared the indignation expressed by the journalists ; and anyone familiar with the German fondness for fault-finding could unhesitatingly venture to prophesy that the great majority of German newspapers would always be on the side of the opposition. It is true that the inadequate manner in which so many cultured men expressed their condemnation of Kotzebue's assassination showed that a portion of the higher classes had begun to despair of the existing order ; but unquestionably a policy of blind and rough persecution was the best means to increase this despair. Finally, the revolutionary follies of the students certainly needed the strong hand ; but they were restricted to three or four universities, and, even in these, involved no more than small circles ; while if the universities were to be officially stigmatised as the nurseries of treason, the only result would be to drive the patriotic spirit of the young men into devious courses.

The worst feature of all was that the state which had restored freedom to Germany, the one which had everything to hope from national unity and nothing to dread, now voluntarily put its neck under the yoke of the Austrian dominion, and therefore, to that portion of the nation which could not see beyond the next day, assumed the semblance of a sworn enemy. The star of the Frederician state had become obscured by clouds of suspicion. By the anxious mood of a noble monarch misled by blind counsellors, and through the perplexities of the aging Hardenberg, this state had been diverted from the paths in which it had risen to greatness, and when Austria had gathered in the Teplitz harvest Metternich declared with satisfaction to the Russian envoy, " Prussia has ceded us a place which many Germans had designed for Prussia herself ! "

As soon as the two great powers had come to an unreserved agreement, the victory of Austrian policy was decided. No one in the Carlsbad assembly was prepared to oppose them on principle. Count Schulenburg, the Saxon, now made common cause with the two Hanoverians, for he, like them, was a strict advocate of the feudal state-system. Baron von Plessen, of Mecklenburg, a man of far more liberal and mobile intelligence, was by the traditions of his homeland forced into more or less the same position. Even the representatives of the so-called constitutional states manifested uncritical docility. Count Rechberg, the true originator of the Bavarian plan for a *coup d'état,* did, indeed, in accordance with the custom of Munich, cherish some mistrust for Austria ; but he was far more afraid of the revolution, and this latter fear decided his conduct, although he had been expressly instructed not to approve anything which infringed Bavarian sovereignty or the Bavarian constitution. Baron von Berstett gave such terrible accounts of the disorders of the Carlsruhe representative assembly that in Gentz's opinion to listen to him was at once a horror and a delight. Marschall of Nassau outbid even the reactionary fanaticism of the Badenese statesman ; nor did Count Wintzingerode leave anything to be desired in respect of hostility towards the demagogues, although to him was allotted the thorny task of avoiding anything that might completely undermine the reputation of the most exemplary of constitutional kings.

The members of the Carlsbad assembly fortified one another in their fears of the great conspiracy, and Metternich

was able to handle them so adroitly that Bernstorff wrote to the chancellor, "We can settle everything here, but later it will be impossible!" So completely did they adopt the Austrian view of German affairs that at length they all came to believe that they were doing a great and good work, and honestly rejoiced in the fine patriotic unity of the German crowns. "The issue lies in God's hand," wrote Bernstorff when their work had been completed; "but at any rate a great thing has already been achieved in that amid the storms of the time the German princes have been able to express their principles and intentions openly, definitely, and unanimously."[1] The sense of satisfaction was all the stronger because the German statesmen were working entirely among themselves, and no foreign power even attempted to exercise any influence over the Carlsbad negotiations. As yet no one dreamed that this fine spectacle of national independence and harmony was nothing else than the subjection of the German nation to the foreign dominion of Austria.

Owing to the complexity of German life there was, indeed, a counterpoise for every weight, and even this brilliant triumph of the house of Austria had to be purchased at the cost of a trifling ill success. The two great powers had agreed that, in the first instance, only three items from the programme of the Teplitz convention should be laid before the Carlsbad assembly for immediate settlement. An agreement was first to be secured concerning the necessary laws against the press, the universities, and the demagogues, while the other measures for strengthening the federal authority, and especially the interpretation of article 13, were to be deferred until the ministerial conferences of the following autumn. Such was the sense in which Metternich spoke when, on August 6th, in a long address, he opened the first of the three-and-twenty conferences which henceforward were held almost every evening until August 31st; at the same time he laid before the assembly a convention, which, as far as many of its propositions were concerned, was a literal repetition of the Teplitz conversation, but from which everything which concerned the two great powers alone had been prudently omitted. All those present declared their assent with the liveliest gratitude; but Wintzingerode moved that the interpretation of article 13 should be included among the urgent items of the discussion. The king of Würtemberg, he said, was quite willing even now, as he had formerly been in Frankfort and Vienna, to accept "a

[1] Bernstorff to Hardenberg, September 2, 1819.

boundary line" for the rights of the Landtags to be established by the federal authority, and in this way to abate the pretensions of his Ludwigsburg Landtag—so long as nothing in this boundary line conflicted with the peculiar interests of Würtemberg.

Metternich joyfully accepted this unexpected proposal. As he admitted to his Prussian friend, he hoped "that it might be possible to avert the conclusion of a premature agreement between the king of Würtemberg and the estates of his country," and he developed in detail the new Austrian doctrine in accordance with which article 13 was to allow estates only, and not representative constitutions; if the Federation would formally agree to this interpretation, which was the only right one, then it would be the duty of Bavaria and Baden to modify their constitutions also in the requisite sense. The great majority eagerly agreed. At first even Bavaria and Baden seemed inclined to accept the Viennese interpretation;[1] and in the intoxication of victory, "in a sort of inspiration," as he himself informs us, on August 19th, Gentz composed a great memorial *Concerning the Difference between the Representation of Estates and a General Representative System*—perhaps the most preposterous example extant of unscrupulous political sophistry as manipulated by a skilled writer.

Making a clever use of certain phrases employed by Haller and Adam Müller, Gentz showed how the old German provincial diets were based upon differences in caste and law, of which God himself was the author, while the foreign representative system was based upon the revolutionary illusion of popular sovereignty and universal equality before the law. On the one side was a strong monarchical authority, restricted only in the exercise of particular rights; on the other, the subordination of the crown to the arbitrary will of popular representatives, a state of anarchy which was utterly irreconcilable with the rights of the Federation. Ultimately this would lead to the formation of a chamber of deputies in addition to the Bundestag, and consequently to a general revolution. If no decent way of retreat was left open to those German princes who, in drawing up their constitutions, had failed to be guided by the only admissible interpretation of article 13, "there is nothing left for the rest of us but to renounce the Federation." There was not a sentence in this work which was not in flat contradiction with universally known historical

[1] Bernstorff to Hardenberg, August 8 and 13, 1819.

facts, for it was unquestionable that the modern German monarchy had acquired its strength in no other way than in continuous conflict with the old estates, and that in the new constitutional states the power of the crown was incomparably higher than in the feudal territories of Saxony, Hanover, and Mecklenburg, where the whole state-system was oligarchical in character. Just as certain was it that the Landtags of the South German states did not represent the people in general, but were semi-feudal corporations, or at most the Badenese Lower House might be regarded as a representative chamber in the neo-French sense of the term. Nevertheless, behind this doctrine, which in appearance was hammered out with so arbitrary caprice, there lurked an extremely definite political aim. When Gentz was expressing his fervour against the revolutionary representative system, he had in mind Rotteck's theory, which unquestionably deduced the rights of the system of popular representation from the principle of popular sovereignty; and when he extolled the Old German provincial diets, he was not thinking of the stormy days of feudal licence, but of the docile postulate Landtags of the new Austria, and this peaceful life of the Austrian crown-lands was to serve as an example for the whole of Germany.

In the history of German party struggles, Gentz's memorial long continued to exercise an influence. From the first, it charmed the suggestible crown prince of Prussia, who here at length found a masterly formulation of his own ideas; and subsequently when the memorial became known to wider circles it long remained the arsenal from which the feudal party in Prussia drew most of its weapons. At the moment of its issue, however, it was a grave political error, and proved disadvantageous to the working out of Metternich's plans. The representatives of Bavaria and Baden rivalled Count Münster in lively complaints of the presumption of the chambers. Wintzingerode strongly recommended that by a federal law the suffrage should be restricted to the leading landowners, and that, above all, the publication of the proceedings of the Landtags should be forbidden, for this publicity was a foreign discovery which all the statesmen in Carlsbad were unanimously agreed in stigmatising as purely demagogic. Wintzingerode made this proposal, assuredly acting on instructions, at the very moment when his king offered the Landtag of Ludwigsburg publicity and a comparatively unrestricted suffrage. Such being the mood of the South German courts, it was certain that a federal law to restrict the

rights of the Landtags in favour of those of the crown could be carried through if Austria moved cautiously.

Instead of this, Metternich demanded a return to the old estates, and to the Würtemberger this was "the worst of evils," an absolutely unacceptable proposal. In his long struggle with the advocates of the good old law, King William had experienced all too painfully that the renowned Old German estates might readily become more dangerous than a modern system of popular representation. He took a firm stand here, not from liberalism, but because he trembled for the prestige of his crown. A whole series of Würtemberg memorials, ambiguous, full of contradiction, as chameleon-like as the policy of the Swabian king himself, opposed the Austrian suggestion. On one occasion Wintzingerode went so far as to maintain boldly that the principle of popular sovereignty had been already granted. "The die is cast, the governments have thought it necessary to concede this point; however much they may regret it, the game must be played out." On another occasion, conversely, he desired that this dangerous principle should be forbidden by the federal authority. Amid all these shifts and doublings one thing only remained certain, that the Würtemberg minister would under no conditions agree to the re-establishment of the old estates. Quite unambiguously he referred to the difficulties which arise "out of the Old Würtemberg constitution, out of its suppression, out of its more recent recognition, and its subsequent impracticability." Meanwhile he had succeeded in bringing over to his side the ministers of Bavaria, Baden, and Nassau; these Rhenish Confederate courts knew no worse enemy to their monarchical supreme authority than the nobility, whose powers would inevitably be increased by the reconstitution of the old estates. Thus the modern bureaucratic theory of the state which prevailed in the south came suddenly and sharply into conflict with the feudal views of Austria and of the central lands of North Germany. The Prussian minister, who had expressed himself in vigorous terms against the representative system, "this foreign shoot grafted upon an old stem," now found it advisable for the sake of harmony "to make every allowance for the embarrassments of the Würtemberg government." [1]

It was finally decided, as Austria had intended from the first, that the federal interpretation of article 13 should be deferred to the Vienna conferences, and that meanwhile at

[1] Bernstorff to Hardenberg, August 25, 1819.

Carlsbad the assembly should content itself with enunciating a general principle to which all the federal states could agree. Temporarily Gentz had to lay aside his memorial, and now worked at a presidential address which was to be read at the Bundestag as an introduction to the Carlsbad decrees. In this, a formal protest was entered against the democratic notions with which the unambiguous principle of representative estates had been falsely confused, and the hope was expressed that until a federal law had been enacted, the German governments would give to article 13 no other interpretation than one which would be "completely harmonious with the maintenance of the monarchical principle and of federal unity." This new formula was unanimously accepted, and, notwithstanding its dangerous laxity, it corresponded better to existing conditions than the old formula, for this federation, with its absolutist centralised authority, could continue to exist only if the monarchical power remained active in its member-states. In this way the attempt at a complete misinterpretation of article 13 was for the time frustrated, certainly by the opposition of the South German courts, not, however, through their loyalty to their constitutions, but owing to their dread of the old estates.

The other negotiations, however, proceeded so easily and rapidly that Bernstorff was actually embarrassed by this excess of harmony, and declared to the Austrian minister of state that his king was bound only by the Teplitz convention, and that as regards anything further than this he must reserve his approval.[1] The secret of the deliberations was inviolably preserved. Buol and Goltz in Frankfort merely received laconic orders that for the present the prorogation of the Bundestag for the recess should be postponed. Not until August 18th, when the proceedings were already drawing to a close, did Metternich and Bernstorff send to the king of Denmark, as duke of Holstein, a brief confidential communication regarding the aim of the conferences, at the same time begging the Copenhagen cabinet to instruct its federal envoy to accept unconditionally the enclosed presidential proposals. Haste was requisite owing to the approaching recess of the Bundestag, and, further, complete unanimity was essential, for the sake of the impression to be produced upon the nation. Consequently "Your excellency will perform a true service for Germany for every day earlier in which you send instructions to your royal envoy." The only thing enclosed with this despatch

[1] Bernstorff to Hardenberg, August 13, 1819.

was the draft of the provisional federal press law.[1] If a royal court was fobbed off with such scanty views, it was natural that absolutely no attention should be paid to the petty states. It was assumed that most of them would lack courage to resist, and no communication was sent to them. Others were indirectly threatened, and Bernstorff reported to the chancellor, " We have provided against unseemly observations on the part of the free towns." [2] To avoid offending the touchy elector of Hesse, towards the end his envoy in Vienna, Baron von Münchhausen, was invited to join the deliberations, and took part in the last six sittings. Von Fritsch, on the other hand, was treated with open contempt when he appeared at Carlsbad, commissioned by Grand Duke Charles Augustus to learn what was going on. Metternich allowed him as a guest to participate in only one sitting of little importance, and then sent him home again without any further information. Gentz wrote with satisfaction in his diary : " The innocents have now left Carlsbad."

In order to ensure the carrying out of the emergency laws against the demagogues, a provisional federal executive ordinance was now adopted, empowering the Bundestag to supervise the carrying out of all federal resolutions by a committee, and in case of need to employ military coercion against any recalcitrant federal state. Bernstorff, to whom so wide an extension of the rights of the Federation seemed a serious matter, received definite instructions from Berlin to approve the law. " Without vigorous executive measures," wrote the chancellor to him, " we shall never carry through any federal decision. In default of such measures, such a state as Bremen might frustrate all the efficiency of the Federation." [3] Thus the Bundestag was given powers which, if vigorously utilised, might lead to the control of particularism ; but even this strengthening of the centralised authority, in itself a wholesome thing, merely aroused ill-feeling among the people because it was to serve solely for the purposes of the persecution of the demagogues.

Next came the second proposal, that for legislation about the universities. To this end, Gentz had elaborated an intro ductory presidential address abounding in frivolous accusations. He maintained that the universities had become estranged from

[1] Metternich and Bernstorff to Minister Rosenkrantz in Copenhagen, August 18, 1819.

[2] Bernstorff to Hardenberg, September 2, 1819.

[3] Hardenberg to Bernstorff, August 17, 1819.

their original character, from their renown acquired in better days, and blamed " a great part of the university teachers," on the ground that they had filled the heads of the students with the phantom of a so-called cosmopolitan culture—certainly the last accusation which could justly be brought against the Christo-Germanic hotheads. Supported by such considerations, the law demanded, at every German university, the appointment of an extraordinary governmental plenipotentiary to supervise the maintenance of order, to watch over the spirit of the teachers, and to give that spirit " a wholesome direction." Anyone who was dismissed from his professorial chair on account of breach of duty or the diffusion of dangerous doctrines, was (in accordance with the idea long cherished by Metternich) never again to receive a professorial position in any German state. Finally, the old laws against the students' associations were rendered more severe, and in especial were extended to the Burschenschaft, for " the aim of this body to bring about a permanent community and correspondence between the different universities is simply inadmissible." Thus the natural intercourse between the individual state-institutions of Germany, in so far as they had not wholly succumbed to particularism, was now forbidden from the federal side. Alike in form and content, the law was a gross outrage upon the German universities, and would have destroyed academic freedom had not the majority of the governments, faithful to their good old traditions, given it a comparatively liberal interpretation.

Bernstorff, who, next to Gentz, was the most cultured of the statesmen at Carlsbad, was unwilling that this difficult question should be dealt with in so summary a fashion. He proposed that they should merely come to an agreement upon certain general disciplinary principles, and leave the rest to more detailed elaboration by the Bundestag. But his colleagues answered with one voice that there was danger in delay; and since Hardenberg, who now sailed entirely in Wittgenstein's wake, also shared the view of the majority, Bernstorff was able to do no more than secure, as a single alleviation, that under certain conditions the rights of the governmental plenipotentiary might be transferred to the former curator, so that, after all, the universities should not without exception be formally placed under police supervision. In other respects the Austrian proposals were adopted almost unaltered; the measured and well-informed report of the Bundestag committee on the universities, which was sent to

Prince Metternich while the conferences were in progress, was left unnoticed.[1]

The motive force of the conferences, Emperor Francis's anxiety regarding any disturbance of his hereditary domains, was most plainly manifested in the third proposal, the provisional press law. For this law, as for all the others, Gentz had prepared an introductory presidential discourse, describing in vivid colours how every one of the federal states was endangered by the freedom of the press in the lands of its German neighbours, and how this danger had recently been increased by the publicity of the proceedings of the Landtags. During the sittings, Metternich spoke yet more plainly, saying that it lay in the very nature of the Federation that its members must guarantee one another's freedom from moral and political injury, and must guarantee one another against attacks on the part of the press. Freedom of the press was unquestionably more injurious for the great states, which in Germany might be simultaneously attacked from thirty different centres, than for the petty states, whose writers would ever be ready to treat the home governments with discretion, if only they could retain a free hand against their powerful neighbours. Therefore, in order to protect herself against the attacks of the German press, Austria proposed that " the necessity of preventive measures," *i.e.*, of the censorship, should be recognised as the rule, though this was a plain infringement of article 18 of the federal act, which did not, indeed, expressly forbid censorship, but established freedom of the press as an elementary principle. For the next five years all newspapers and all books comprising less than twenty sheets were to be subject to the censorship, but every federal state was to be free, should it so desire, to subject even larger works to the censorship. Here also the intention was, not to prescribe a minimum of freedom, but to establish a maximum which must on no account be exceeded.

Since henceforward newspapers were not to be published without the approval of the state authority, the press law immediately drew the conclusion that every German government was responsible to the Federation, and to the individual federal states, for the good behaviour of its press. Upon the demand of an injured government, or upon its own free initiative, the Bundestag was to be empowered to prohibit newspapers and books, and, in accordance with the Teplitz convention, the editor

[1] Bernstorff to Hardenberg, August 25 ; Goltz's Report to Bernstorff, Frankfort, August 28, 1819.

of a newspaper thus suppressed was not to be allowed to edit any other paper within five years. Unquestionably this responsibility of the sovereign German princes to a conference of envoys was a monstrosity from the point of view of constitutional law; but since at Carlsbad the statesmen were all agreed in regarding the press as their common enemy, they accepted without demur even this attack upon the sacredness of sovereignty, regarding it as self-evident that every well-disposed government would, under all circumstances, joyfully accept the suppression of a newspaper. On this occasion also, Hardenberg showed how completely he was now dominated by Wittgenstein's party. Upon his express orders, Bernstorff had to agree that freedom from the censorship should be allowed only to works consisting of more than twenty sheets; Austria had desired to concede that works consisting of more than fifteen sheets should be exempt.[1]

These negotiations concerning the press were weighty with consequences in relation also to another domain of our political life. Among the reasons which were brought forward to show the necessity of the censorship, Metternich laid especial emphasis on the fact that the demagogues very logically hoped that the adjudication upon press offences would be in the hands of juries, but trial by jury, together with public and oral procedure, were unconditionally rejected by all the members of the conferences, who considered them, as Gentz phrased it, to be "axioms of the revolution." The foolish phrases which the Badenese Landtag had showered upon the palladium of popular freedom, received their inevitable answer. It was the curse of these days of hatred and suspicion that both parties now came to draw up for themselves catechisms of rigid political dogmas, each holding to its own catechism with all the moroseness of German partisan hatred, so that for years every possibility of an understanding was prevented. To the doctrinaires of the reaction, the private procedure of the law courts, which served only to expose the excellent German judiciary to undeserved suspicion, seemed to be a pillar of the monarchical principle.

Somewhat more lively, but by no means unfriendly, were the proceedings concerning the fourth law, the aim of which was the suppression of demagogic intrigues. Although as yet no sign had been discovered of a revolutionary movement for whose control the existing courts would not suffice, all the participators in the conferences agreed in the view that the terrible con-

[1] Hardenberg to Bernstorff, August 25, 1819.

spiracy ramifying throughout Germany could not be mastered in any other way than by an extraordinary federal centralised authority. The only question was, whether the Federation was merely to conduct the investigations, or was also to pass judgment. By the institution of an extraordinary federal jurisdiction, the existing legal institutions of all the federal states would be seriously infringed, and the generally recognised principle that no one must be withdrawn from the jurisdiction of his natural judges would be infringed. Consequently Bernstorff proposed that they should be satisfied with a central committee of enquiry.[1] The chancellor, however, asked Kircheisen and Kamptz their advice, and these two men were still inspired by the first savage zeal of the demagogue-hunt, and dreaded nothing so much as that the demagogues of Bonn might be acquitted by the Rhenish juries—from whom, indeed, in this case, no impartial judgment was to be expected. But Kamptz, as an able lawyer, knew how to adduce better grounds than this for his opinion. For those who seriously believed in the existence of a grave danger threatening the entire Federation (and unfortunately this illusion prevailed at the Prussian court), the introduction of a federal committee of enquiry was unquestionably a dangerous half-measure, for, in view of the complexity of German legal institutions, it was inevitable that the sentences the courts would pass on the demagogues would be contradictory, and that therefore the federal authority which conducted the enquiry would be exposed to universal hatred and contempt. For this reason Hardenberg replied that the federal central committee would be effective only if it were endowed also with judicial powers ; in the old empire the imperial courts had always dealt with breaches of the public peace directly, before their own forum.[2] At the same time he sent a proposal for the establishment of a provisional federal jurisdiction, which Bernstorff had now to defend.

At first the majority of the Carlsbad statesmen were inclined to favour the Prussian proposal, and Metternich also was delighted with it. But thereupon, quite unexpectedly, a powerful opponent showed himself in the field, Emperor Francis. The sole human trait in the policy of this rigid despot was that he endeavoured to defend the existing order against high and low ; his flatterers gave the name of justice to what was in reality no more than a pedantic adherence to the ancient and traditional. When rebels

[1] Bernstorff to Hardenberg, August 8, 1819.
[2] Hardenberg to Bernstorff, August 13, 1819.

raised their heads against him, he by no means shrank from courts-martial and cruel measures of exception; but so long as the danger did not affect him personally, justice must pursue its customary course. Moreover, he was influenced by his old mistrust of the unruly Germans; he could rely upon his own Austrian courts, and he would not trust a single Austrian traitor to German judges. Finally, it has to be remembered (and herein lies the cream of the joke) that he did not himself really believe in the existence of the great German conspiracy, and merely wished to derive the utmost possible advantage from the fears of the other courts; consequently he dreaded that an extraordinary federal jurisdiction might, after all, secure no serious result, and might therefore make itself a laughing-stock. His leading judge, Baron von Gärtner, an old imperial jurist of the school of Kamptz, had to draw up an opinion for the conferences, which, appealing to the *privilegia de non evocando* of the electors, declared that the sovereign rights of the German princes could only be preserved if the federal central committee had its powers restricted to the conduct of the enquiries.

Vainly did Kamptz endeavour to instruct his former pupil. In his usual pompous style he wrote: "The *laudes Gærtnerianæ* uttered in Carlsbad were all the more agreeable to me because they have shown me, as you yourself I hope now gratefully recognise, that you owe to my example and to my good teaching all that you know." He then went on to expound how dangerous it would be that judgment upon the demagogues should be left to so many subordinate judges, to their weakness, to their wooing of popular favour, to their dread of the newspapers; this would be to establish anew the "coimperium" of the complainants which was now to be annihilated.[1] In vain did Hardenberg send this writing to Carlsbad and ask the conferences to consider that, after all, a tribunal established by the Germanic Federation could not be regarded as a foreign jurisdiction; a central committee with no more than investigatory powers, would, he said, show itself to be utterly useless, and would only arouse bad blood.[2] Emperor Francis would not be persuaded. On August 28th he announced his final determination: "I will never decide who is to judge until I know precisely what is to be judged. What would happen if the joint committee failed to find anything at all of importance, or very little? What

[1] Kamptz to Gärtner, August 31, 1819.
[2] Hardenberg to Bernstorff, August 25, September 1, 1819.

would happen if the members of this committee differed in their views?" [1] The emperor's attitude sufficed to settle that of the majority in Carlsbad.[2]

Metternich, too, very unwillingly had had to give tongue in the sense of his monarch, and did so just as cynically as the latter, saying that, after all, no one as yet knew "how many guilty of high treason would be found as a result of the committee of enquiry," and adding that a formal federal court with judicial powers "if it should give very little result, would certainly be far more compromising than useful." The consequence was that the central committee was to have only the power of instituting an enquiry into the conduct of the demagogues, but the right was reserved for the Bundestag, in case of need, to give this committee judicial powers as well. Metternich urgently begged the Prussian minister to accept the failure, and not to renew the dispute at the Bundestag. "This would lose our game." The result of the enquiry might after all render it possible to enlarge the powers of the central committee, and to make it a court of justice.[3] The committee was to meet in Mainz a fortnight after the federal resolution had been passed, was immediately to attempt to ascertain all the facts of the demagogic intrigues, was to issue instructions to the prosecuting authorities of the individual states, was to demand documentary reports from them, was, at its discretion, to hear certain suspects in person, and finally, for the enlightenment of the nation, was to draw up a comprehensive report upon the affair. To keep the Ernestines and the free towns out of the matter, an arrangement was made at Carlsbad to select the seven states which were to nominate the seven members of the central committee of enquiry, those chosen being Austria, Prussia, Bavaria, Hanover, Baden, Nassau, and, last of all, Darmstadt, so that the courts excluded from the conferences should have at least one representative.

Thus it was that Emperor Francis prevented those courts which at the congress of Vienna had rejected Prussia's proposal to institute ordinary federal jurisdiction from, four years later, establishing an extraordinary federal tribunal for the punishment of the demagogues. But what was determined on in place

[1] His Majesty's Decision, Schönbrunn, August 28, 1819.

[2] Bernstorff to Hardenberg, September 7, 1819.

[3] Metternich to Bernstorff, September 5, 1819, with a Memorial upon the central committee of enquiry.

of this, was in reality far more sinister. A judicial tribunal, bound by the forms of judicial procedure, at least offered certain safeguards against arbitrary conduct, whereas the new central committee of enquiry, which could intervene in the ordinary legal procedure only by way of denunciation, writ, and arrest, had from the first the aspect of a tyrannical instrument, was by the people immediately christened "the Black Committee," was daily discredited by the contradictory judgments passed by the various territorial courts, and, as Hardenberg had foreseen, became the object of universal detestation.

The four laws were all approved, and whatever was still lacking in respect of the interpretation of article 13 could easily be postponed until the Vienna conferences, which were to be held in November, for all parties were agreed upon "the maintenance of the monarchical principle." Even an enlargement of the rights of the majority at the Bundestag, such as had been planned by the two great powers in Teplitz, could perhaps also be secured in Vienna. The results exceeded all Metternich's expectations.[1] "Never," he declared, "have more exemplary harmony and urbanity prevailed than at our conferences." When all met once more, on September 1st, to take leave of one another, everyone was in a good humour, and one of the ministers was so extremely enthusiastic that he proposed to his colleagues that they should sing the Ambrosian hymn of praise. Naturally, at the close of "this ever memorable meeting," the master of statecraft who had conducted affairs so admirably was hailed with the united expression of unbounded respect and gratitude, and due praise was also given to the great talents of Councillor Gentz. A wonderful amount had, in fact, been accomplished in a few days. This cumbrous federation, which seemed inapt for any development, suddenly, and with revolutionary impetuosity, grasped political rights which had never been allotted to the ancient empire; it arrogated to itself dominion even over branches of internal political life which the powerful centralised authority of the modern German Empire leaves to the territories without restriction; so recklessly did it transgress the limits of its fundamental law that clear-sighted professors of constitutional law like Albrecht were able to maintain that after the Carlsbad decrees the Germanic Federation had abandoned the character of a federation of states, and had become

[1] Bernstorff to Hardenberg, September 2, 1819.

transformed into a federal state—a view shared by many of Metternich's sympathisers, and especially by Ancillon. Without opposition, Germany's princes allowed all these limitations of their sovereignty to be imposed upon them by Austria. Metternich wrote in triumph: "If the emperor doubts being emperor of Germany he greatly deceives himself."

Never since Prussia had existed as a great power, never since the days of Charles V and Wallenstein, had the house of Austria been able to set foot so heavily upon the neck of the German nation. Just as masterfully as in former days Emperor Charles had imposed the Interim of Augsburg upon the contentious Reichstag of the conquered Schmalkaldians, so now did Metternich call a halt to a new national movement of the Germans; just as contemptuously as Granvelle had at that time laughed at the *peccata Germaniæ*, so did Gentz now mock at the tribulations of the Old Bursch of Weimar and his liberal train; and just as submissively as in those days the weakly Joachim II, so now did a Hohenzollern stand before the Austrian ruler. But Austria had soon to learn that the crown which Emperor Francis had once torn from his own head was not to be regained by the trickeries of a false diplomacy. In earlier days Austria's dominion had always been a misfortune to the Germans; the more brightly the star of the Hapsburgs shone, the more prostrate was the condition of the German nation. That great emperor who, in Augsburg, had once desired to control Protestantism, had at any rate offered the Germans something to replace their lost freedom, a mighty thought, one capable of filling even a Julius Pflugk with enthusiasm, the great conception of the Catholic world-empire. But what could they offer to the nation, these petty spirits who now endeavoured to tread in the footsteps of Emperor Charles? Nothing but oppression and coercion, nothing but an unscrupulous distortion of the federal law, which must inevitably make their solitary national institution loathsome to the Germans, throwing as makeweight into the scale the lie that Germany was to be rescued from an imaginary danger.

For the real interests of the nation Metternich had nothing but a mocking smile. An exhortation from the minor courts regarding the unfulfilled pledge for the facilitation of commercial intercourse throughout Germany was met by the Austrian statesmen with empty phrases. He had had to promise the Prussian minister that the odious dispute regarding the federal fortresses should at length be brought to a close. Upon Prussia's

demand, too, Langenau and Wolzogen had already appeared in Carlsbad, the latter to the alarm of the strict Austrian party, who regarded him with suspicion as an emissary of the German revolutionaries. But amid so many more important matters, Metternich found no time for the promised discussion with the two generals.[1] Moreover, in relation to his policy, what mattered the safeguarding of the German frontiers when compared with the great civilising tasks of the censorship and the prosecution of the students? And since the new rulers of Germany were incomparably smaller and of less account than had been the Hapsburg heroes of the days of Schmalkald and of the Thirty Years' War, since these new rulers owed their successes, not to the might of victorious arms, but solely to the foolish terrors of the German courts, the inevitable reaction set in, not, as in the days of Maurice and Gustavus Adolphus, firmly and forcibly, but slowly, unnoticed—and yet all the more certainly. Austria had offered the Germans a stone in place of bread. As soon as Prussia determined to deal honourably with the needs of this nation, and to provide that economic unity which Prussia alone could give, from that moment the spectre of German dualism, whose hideous features had once again been displayed, began gradually to fade, and the thinking part of the nation came gradually to realise that the withdrawal of Austria from the Germanic Federation, so arrogantly threatened in Carlsbad, offered the only possible means of rescuing the fatherland.

But this prospect was still remote. At the moment, the Hofburg was jubilant with victory. In an affectionate autograph note, Emperor Francis thanked the king of Prussia for his vigorous common action "against the disturbers of that established order upon which the existence of the thrones depends."[2] Gentz sang the glories of "the greatest step backwards which has been made in Europe for thirty years," and to the Austrian envoy in London Metternich expressed the hope that this deed of salvation would find an echo throughout Europe. In actual fact, in Spain alone had the ideas of pure reaction hitherto secured so decisive a success. Among the great civilised nations it was Germany which first gave the example of a *coup d'état* from above, an example which eleven years later served as prototype for the July ordinances in France. The policy of moderation which the Quadruple Alliance had observed down to the time of the con-

[1] Bernstorff to Hardenberg, August 25 and September 2, 1819.
[2] Emperor Francis to King Frederick William, August 29, 1819.

gress of Aix-la-Chapelle, was now at an end; the power which had acquired the leading position in the European alliance openly manifested itself on the side of the principles of oppression.

There still remained a serious piece of secret work to be completed before, as Metternich phrased it, the bomb could burst in Frankfort. What had been effected in Carlsbad was no more than a conversation between nine federal states, a conversation which from the point of view of federal law had no formal validity, although these states controlled the majority of the inner council. For an enlargement and alteration of the federal act, such as was involved in the Carlsbad decrees, unanimity was necessary. Thus it was essential to secure the silent submission of thirty federal states to the orders of the nine, to enforce the majority rule, proposed at Teplitz, in actual fact upon the inner council of the Bundestag. The lever of intimidation which had done such good service in Carlsbad must once more be utilised in Frankfort. Metternich desired to prevent any discussion in the Bundestag, for the decrees of the Carlsbad conspiracy could not bear critical illumination. So short-sighted was his cunning, that he was unable to see how foolish it was to humiliate the German central authority before the whole nation at the very moment in which this authority was to receive enlarged powers odious to public opinion. On September 1st, Metternich communicated the Carlsbad decrees to the presidential envoy, instructed him to arrange for their speedy adoption, and then to adjourn for the recess. The same instructions went simultaneously to Count Goltz, who was now at length initiated by Buol, Plessen, and Marschall into the secrets of Carlsbad.[1] Some of the other Carlsbad conspirators did not even think it necessary to inform their own federal envoys. It was not until September 13th that the court of Carlsruhe sent its federal envoy the laconic order: "Since, according to information received, in one of the next sittings the Austrian envoy will give a report concerning the Carlsbad conferences, you will accept the Austrian proposal without further parley"; and the Badenese envoy was to vote for the seven states appointed in Carlsbad as members of the central committee of investigation.[2]

Not even yet was precise information given to the governments which had been excluded from the conferences. Bernstorff contented himself with sending the Prussian envoys at the minor

[1] Bernstorff to Goltz, September 1; Goltz's Report, September 7, 1819.

[2] Ministerial instructions to the Badenese federal envoy, September 13, 1819.

courts a brief summary of the events of the conferences, as fragmentary as had been the casual communication made to the Danish court.[1] The Carlsbad decrees were to be approved without examination by Austria's vassals, just as in former days had been the act of the Confederation of the Rhine by the faithful followers of Napoleon. In fine competitive zeal, the diplomats of the nine initiates declared to the minor courts that nothing but harmony of all the governments could rescue Germany from its dangerous position; and, wherever necessary, the Austrian envoy played his last trump, threatening the secession of Austria. Only to the court of Darmstadt, which had been granted a place in the central committee of enquiry, was a more detailed report vouchsafed. The envoys of the two great powers, Handel and Otterstedt, went to the grand duke, related to him the essential matters, and adjured him "to ensure the salvation of the common fatherland by the unconditional unanimity of all members of the Federation." The dignified old ruler was but ill-pleased at the threatened limitation of his sovereignty, but he believed in the great demagogic peril, and merely reserved for himself the right, when the Carlsbad decrees should be promulgated, of promising his country that the constitution should be established on May 1, 1820. The governments, he said warningly, must not give the appearance of desiring to restrict the arbitrary acts of others while imposing no limits upon their own.[2]

Thus everything was prepared for the great coup. On September 14th, Buol gave the Bundestag the first confidential communication regarding the Carlsbad conferences. On September 16th, he read the presidential address sent him by Metternich, and then proposed the speedy adoption of the agreed observations concerning article 13, together with the four laws. Most of the federal envoys now learned for the first time the text of the Carlsbad decrees. It was the most important and comprehensive proposal ever submitted to the Bundestag, and to deal with it, Buol, without a word of contradiction, proposed a period of four days, a period which, in view of the methods of intercourse of that time, made it impossible to send home for instructions. The vote was to be taken on September 20th, whereas the rules for

[1] Bernstorff, Brief Summary of the results of the Carlsbad proceedings. (Undated, presumably of September 9, 1819.)

[2] Bernstorff, Instruction to Otterstedt, September 1; Otterstedt's Reports, Darmstadt, September 11 and 13, 1819.

the conduct of business demanded that at least fourteen days should elapse. The consequence was that at the time when the decrees were passed in Frankfort the great majority of the German governments had had no information as to their wording. There was absolutely no constitutional discussion of the proposals, but not one of the envoys censured this omission.

On the day of the vote no one ventured any formal opposition, but to Austria's alarm it appeared that, notwithstanding all threats, only a portion of the envoys were empowered to give unconditional approval. Many were still awaiting instructions; others, after the German manner, had all kinds of reflections and wishes to announce. For example, the court of Dresden found the Carlsbad decrees too liberal, and expressed the hope that throughout Germany, as in the kingdom of Saxony, all printed matter, without exception, should be subjected to the censorship. Wangenheim, too, brought forward a whole series of strictures, thus offering fresh proof of the untrustworthiness of the court of Würtemberg, for in Carlsbad Wintzingerode had cheerfully accepted all four of the laws. The Würtemberg envoy raised particularist objections against the federal executive organisation, finding it too severe that every federal state should be responsible for the behaviour of its own press, and so on. Electoral Hesse also entered a protest against the federal executive organisation which so greatly infringed the rights of sovereignty.

It was with the greatest tension that the assembly awaited the vote of the Luxemburg envoy. Everyone knew that his royal master, who treated all German affairs with deliberate contempt, had left him without instructions. But Buol and Goltz had discussed the matter with Count Grünne, who frankly declared that although he had not received plenary powers, "he would no longer withhold his assent from a formally compiled decree"—appending an insignificant proviso in favour of the national peculiarities of Luxemburg. As Goltz reported to his king, the game was won, "for in this way that ostensible unanimity could be secured, and the fifteenth and sixteenth curiæ and the free towns could be deprived of any pretext for divergent manifestations."[1] When the representative of the king of the Netherlands showed so accommodating a disposition, how could the smaller powers resist? The envoys of the Ernestine houses and the sixteenth curia voted aye, although they had to acknowledge that as yet they had received instructions from some only of their principals. Weimar,

[1] Goltz's Report to the king, September 28, 1819.

too, was among those who voted aye. The proxy of the fifteenth curia did not hesitate to lie, and declared the serene highnesses had ordered him to give an affirmative vote, although it was obvious that he had not received instructions from the two Schwarzburgs. After all this, there was nothing left for the envoys of the free towns but "in default of special instructions, to join in the universally expressed unanimity."

A unanimous vote had been secured; the Bundestag had submitted to the decrees of the nine. But was it possible to venture to publish in the minutes this remarkable decision, exactly as it had been taken, with all its clauses and reservations? As Goltz admitted to his monarch, it was all too plainly manifest "that the general assent was dependent, not upon conviction, but rather upon acceptance of the force of circumstances." If public opinion, as to whose hostility there was a general understanding, was to be silenced by a fine manifestation of the unanimity of the German thrones, Austria, after all the tricks and lies of this unsavoury negotiation, must not shrink from one last falsification. Vigorously supported by Goltz and Plessen, Buol suggested to his colleagues that "in order to increase the impression to be made," it was essential that the published minutes should be purged from all observations.[1] Everyone agreed without hesitation. Thus it was that the actual details of the voting were buried in a profoundly secret register, which was to serve "only as an authentic record of the proceedings," and might perhaps be used as a text for subsequent deliberations.[2] But the published minutes related the "unanimous adoption of the Carlsbad decrees," and specified that all four laws should "immediately enter into force in all the federal states." Great was the shock when the Germans suddenly learned that the Bundestag, which had been deaf to all the pressing needs of the nation, had with such undignified haste, and with manifest contempt for the prescriptions of the federal act, adopted coercive laws destined to gag the mental life of the country. Even the minor courts experienced so lively a sense of coercion, that the Prussian envoy urgently advised his government not to string the bow too tightly, and to invite all the governments without exception to the Vienna conferences. When the work was finished, the presidential envoy invited his colleagues to a brilliant banquet. Count Goltz secured forgiveness for former mistakes, and received the

[1] Goltz's Reports to the king and to Bernstorff, September 18, 22, and 28, 1819.
[2] First published in the year 1861 in C. L. Aegidi's work, From the Year 1819.

cordial gratitude of his court for the happy discharge of a difficult task.[1]

It was under such auspices, with a falsified vote, that the dominion of the house of Austria at the German Bundestag began. It was with another falsified vote, with a fraudulently secured declaration of war against Prussia, that in the year 1866 this dominion was to find its worthy close.[2]

[1] Bernstorff to Goltz, October 9, 1819.

[2] See Appendix VI. This was added by Treitschke in the final volume of his History. It deals with the history of the Burschenschaft, especially with reference to the murder of Kotzebue and the Trial of Sand. Its main reference is therefore to pp. 187 et seq,—TRANSLATORS' NOTE.

CHAPTER X.

CHANGE OF MOOD AT THE PRUSSIAN COURT.

§ 1. THE CARLSBAD DECREES AND FOREIGN POLICY.

PRINCE METTERNICH could count with certainty upon having incurred the anger of the liberal parties, for, according to his own modest assertion, "in three weeks he had completed what thirty years of revolution had been unable to effect." He had never thought it worth while to try to learn the character of the German people; he had no idea how highly this idealistic nation prized freedom of thought, and how terribly it would perforce be affronted by the attack upon the press and the universities. The Carlsbad decrees confused public opinion and wrought havoc from the first. Among the moderates, the hope of peaceful development in German affairs disappeared. Republican ideas, which in our monarchical history lacked all foundation, began to gain the upper hand now that Germany's princes appeared as the sworn enemies of popular freedom; the enthusiasm for the great free state of America, which had hitherto been no more than theoretical, became in many minds a practical party sentiment. The wild song of the Unconditionals, *Away with the Princes*, now made its way into wider circles.

The nation got out of tune with its political system and with its finest historical memories. The fine patriotic enthusiasm of recent years was dispersed. From everyone's lips fell bitter complaints that the blood spilled at Leipzig and Belle Alliance had been spilled in vain. While the German liberals had at first adopted a few Jacobin principles, half unconsciously as it were, now, when they were threatened with oppression and persecution under the name of the Old German law, they went over with flying banners into the French camp, becoming intoxicated with a constitutionalist theory which but scantily concealed the republican ideal. The victors greedily

collected those fragments of spurious political wisdom which fell from the table of the vanquished; German liberal policy bowed before French ideas as slavishly as had German poesy bowed before French in the days of Louis XIV. The new ideas of the historical school of law, created out of the depths of German life, fell into disrepute, and anyone who combated the aberrations of the degenerate conservative party, turned to that revolutionary doctrine of natural law which had long before been refuted by German science. In its anger at the injustice it had suffered, German liberalism really became beside itself; it forgot the priceless blessings of the wars of liberation, began to take a lighter view of the heroes of those struggles as "deceivers or deceived," and gradually succumbed to a cosmopolitan revolutionary fanaticism which must necessarily prove disastrous to a developing nation.

Although under the menace of the censorship, which immediately came into operation, the press could say very little, the diplomatic world could not escape the general anger. In Frankfort, in Stuttgart, in Munich, everywhere, the rage of the cultured classes found expression in violent language. Everywhere the new Black Committee was compared with the Committee of Public Safety of the Convention.[1] No one felt the injustice more keenly than the professors, who found that they were all scorned and calumniated by the Federation on account of the follies of two or three men of Jena. What must Dahlmann and Falck, two of the leading advocates of the German law in Kiel, feel when Holstein, and at the same time Schleswig, which was not a part of the Federation, now received the censorship as their first gift from Germany, when for fifty years, since the days of Struensee, these regions had enjoyed unrestricted freedom of the press under the absolutist regime of the Danish autocrat. The *Kieler Blätter* suspended publication, because it would not consent to subject itself to any censor. Dahlmann, who was in the future so often to find the apt word for the feelings of incensed national sentiment, declared that by the federal decrees the German universities had been "degraded and injured in a manner impossible to forget." He gave notice to Baron von Stein that his collaboration in the *Monumenta Germaniæ* would cease for so long as at the

1 Goltz, Reports from Frankfort, September 22 and 28, and October 26; Zastrow's Reports from Munich, October 9; Küster's Report from Stuttgart, October 12, 1819.

head of this undertaking there were those federal envoys who had participated in the affront to the German professorial caste. "My good name," he wrote, "is worth more to me than any scientific undertaking. I cannot believe that it will be possible, when our hands are thus tied, to garner the noble fruits of science from a soil stained with oppression and persecution, as soon may be the case." On the birthday of the king-duke, Dahlmann, in his academic address, came forward as advocate of the calumniated universities, speaking of *lèse-majesté* as "the sole and peculiar offence of those who have never done any wrong." He defended the right of the new time to find its own political forms, saying, "He also is an innovator who endeavoured to re-establish the obsolete"; and he prophesied that, since the new federal laws sacrificed the intimate essence to the empty forms of peace, they would serve merely to secure a police-ridden semblance of order, and not to establish order itself.

Even in the highest circles of society, severe criticism was by no means lacking. Hans von Gagern sent his friend Plessen a warning letter which, amid many oddities, contained a number of valuable expressions. "Do not," he wrote, "cheat your masters; do not lead them to believe that everything which is now happening in the way of innovation, and love of innovation, is, when it comes from their side, nothing but forbearance and graciousness." Even Stein, who took a very harsh view of the follies of the Jena professors and of the Carlsruhe enemies of the nobility, condemned the appointment of the new governmental plenipotentiaries as an affront to the universities. When the sleuth-hounds of the demagogue-hunt now accused the baron himself of participating in the great conspiracy, his fury broke bounds, "Vox faucibus hæret," he exclaimed, "in face of such bestial stupidity, or such devilish wickedness, or such base levity, originating in a thoroughly foul mind." Even the princes, who bent their necks beneath the yoke, subsequently found occasion for bitter meditations when they recalled to mind that never had any German emperor treated the least among his imperial princes so contemptuously as the Vienna court had now treated the entire Bundestag. "This attack upon the still youthful constitution of Germany," wrote the duke of Oldenburg, "has served only to alarm the impartial, to offend public opinion, and to arouse criticism." The ill-feeling of the petty courts began to give occasion

for serious anxiety; after all, Metternich thought it advisable to pay due weight to the warnings of the Prussian federal envoy, and arranged with the cabinet of Berlin that none of the German courts should be excluded from the ministerial conferences of the ensuing winter.[1]

The general discontent was loudly re-echoed in the foreign press. It was only the French ultras who rejoiced, making known their opinion that for France also a Carlsbad *coup d'état* would be useful. Not even the *Moniteur* ventured openly to approve Austria's doings. In France, declared this paper, such laws would be impossible to apply, for Europe no longer had any place for despotism. The liberal publicists outbade one another in the expression of their anger. First of all, of course, came the inevitable Archbishop de Pradt, rushing into the field with one of those voluminous works which, as Gentz said, could be read just as well forwards or backwards; in August, already, before he had heard a word about the proceedings in Bohemia, he published the first section of his writing, *The Carlsbad Congress*, declaring that the times of Pilnitz and Brunswick had come back again. Still more furiously did Etienne rage in the *Minerve;* and similar strains were heard from the *Censeur* and the *Indépendant*, and from almost all the liberal periodicals of France and England. "The Germans," they declared, "have put themselves outside the pale of humanity by imposing a disgraceful system of slavery; they have become subject to the prescriptions of Sulla, to the tyranny of Tiberius; everywhere else in the world arbitrary power conceals itself beneath a mask, but in Germany it stalks shamelessly and openly in the light of day."

The tone thus set was henceforward faithfully maintained. The strengthening of Central Europe, so inconvenient to Germany's neighbours, no longer seemed dangerous, now that the Germanic Federation had displayed this mute submission to the house of Austria. For thirty years Germany remained for all the press of western Europe the classical land of every kind of political contemptibility, utterly unworthy of the respect of free Britons and Frenchmen; and the nation which twice within two years had planted her victorious banners upon Montmartre, was treated by her vanquished neighbour with contemptuous benevolence as a good-natured race of philistines, composed of people who passed their time over beer, tobacco,

[1] Krusemark's Report, Vienna, October 16, 1819.

and philosophy, and who, justly recognising their own limitations, had comfortably renounced all plans for political power and liberty. The Germans themselves had so thoroughly accepted the consciousness of the hopeless "misère allemande," that they willingly accepted such manifestations of uncritical arrogance as proofs of the superiority of western European civilisation, and were no longer disturbed in their sense of cosmopolitan brotherly love.

Notwithstanding the hostility of the nation, the Carlsbad decrees were everywhere carried out with a promptness and precision which from time immemorial had been unknown in the case of any imperial or federal law. The central committee of enquiry immediately assembled. The most mischievous of its members was Hörmann, the Bavarian, that fanatical Bonapartist who for years past in the *Alemannia* had been attacking the Borussomaniacs, and who now hoped that he would be able completely to exterminate them. Pfister of Baden and Musset of Nassau worked hand in hand with Hörmann. Prussia had at first appointed the wretched Grano as her plenipotentiary, but a sense of shame soon became active in Berlin at the contemplation of such a representative. Grano was recalled, and was replaced by President von Kaisenberg, a distinguished lawyer, who conducted the duties of his repulsive office with great circumspection and notable moderation, and, in continuous conflict with Hörmann, managed to prevent much evil and many arbitrary acts.

The censors and the university plenipotentiaries immediately began their work. The Burschen of Jena, in a quietly phrased letter to the grand duke, expressed their regret that they had been publicly misunderstood, and on November 27th obediently dissolved their association. When they broke up there were heard the verses of Binzer:

> The bond has been severed,
> 'Twas black-red-and-gold.
> This God has permitted.
> Who knows what He willed?

—sentimental complaints, which certainly breathe no thought of revolutionary designs. Some of the more faithful adherents met the same night in order to reconstitute the dissolved association. These new secret Burschenschafts, which henceforward

continued to meet in almost all the universities, since they were in unceasing conflict with the police, bore from the first a more revolutionary colour than did the old national league, and yet in essentials they were even less dangerous than this had been. The serious soldiers of the War of Liberation soon left the universities; their youthful successors were the ordinary freshmen from the schools, who wished to enjoy the pleasures of student life without restraint, and who engaged in quarrels with their opponents, the corps and the Landsmannschafts (which now everywhere sprang to life once more), with far more zeal than they devoted to political oratory. But the wholesome moral influence of the Burschenschaft movement was preserved for the universities, and the detestable roughness of the good old time never became completely reinstated. After Oken's dismissal, the professors of Jena were left undisturbed; Fries, alone, on account of his foolish essay about the highly well-born French monkeys, had to suspend his lectures for several years. What pitiable results were these after the Austrian presidential envoy had, before all the world, launched his accusations at the entire order of German professors!

The carrying into effect of the new federal laws took place everywhere under the immediate supervision of the envoys of Austria and Prussia. The two great powers would not leave this supervision to the Bundestag. This body had been discredited by its contentiousness and its inactivity, and finally by the enforced vote of September. In Vienna and at the friendly courts the question had for months been under consideration whether it was not advisable that all important federal affairs should be directly discharged by the governments, and that the federal assembly should merely be summoned to Mannheim for three months in every year,[1] as a modest diet. Consequently the Austrian envoys received instructions that the enforcement of the censorship and of the disciplinary measures applied to the universities should be carefully supervised in the petty states. In his own federal territories, indeed, Emperor Francis could do nothing to carry the Carlsbad decrees into effect; in this peaceful Austrian world there was no demagogue, no member of the Burschenschaft, not even a liberal newspaper, to expel. It was only to show their goodwill that in October the Viennese police organised a hunt against the numerous private tutors from Switzerland; but since against those

[1] Berkheim's Reports, Frankfort, April 2, 1819, and subsequent dates.

arrested no stronger evidence could be found than "a few letters breathing bad principles," the emperor was forced to content himself with keeping the offenders in prison for a short time, and then showing them across the frontier.[1]

The court of Berlin showed itself to be almost more zealous. The king was and remained convinced of the necessity of the exceptional laws; he commanded all his envoys in Germany to supervise the carrying of these into effect; and informed the greater federal states that he counted upon their active co-operation. The only state that did not require any such exhortation was his faithful ally England-Hanover. The suspect Thuringian courts, on the other hand, were, like the Hansa towns, simply informed of the king's earnest desire; but to them no confidential words were expressly vouchsafed.[2] Meanwhile, Humboldt, who had an honest veneration for Charles Augustus, was soon able to secure the restoration of friendly relationships with the court of Weimar. He wrote to the grand duke: "In my opinion, if people hold fast to the principles of justice, if those liable to punishment are visited with due severity, if the masses, who seek nothing but repose and internal security, are treated with confidence, and if on these lines action is consistently taken, no danger need be feared. In such times as these, it is inevitable that the spirit of faction should arise. Since, however, I am convinced that, to a government, party spirit is equally disastrous and unworthy, I shall do my best to work against it wherever I may encounter it, whether it be directed against ourselves or against any other country."[3] The Weimar government had been intimidated to such an extent that it was already designing to submit to the Landtag an alteration of the constitution in conformity with the latest federal decrees. But when, in October, this government approached Bernstorff on the subject, the Prussian sense of justice once more manifested its undiminished force, and the minister rejoined that this "delicate operation" was no doubt desirable, but in the existing situation might well miscarry, and in that case might have extremely disagreeable consequences at once at home and

[1] Krusemark's Report, October 30, 1819.

[2] Instructions to the envoys in Dresden, Munich, Stuttgart, and Darmstadt, October 2; Instructions to Count Keller in Erfurt, and to the chargés d'affaires in Hamburg and Frankfort, October 2, 1819.

[3] Humboldt to Grand Duke Charles Augustus, October 9, 1819.

abroad.[1] Thereupon the proposal was dropped, and Prussia had once again safeguarded the existence of a German territorial constitution.

On September 28th, a circular despatch, composed by Ancillon, was sent to the envoys in foreign countries, describing with theological unction how the four powers had re-established legitimacy and property, and how Germany had afresh confirmed this policy. "Germany by its geographical position is the centre of gravity, or, better expressed, the heart of Europe, and it is impossible that the heart should be disordered without this disorder being speedily sensible in the most remote extremities of the political body." When this document was improperly published, having been disclosed in Paris, the whole liberal press of Europe resounded with a cry of distress concerning Prussia.

Soon afterwards, on the anniversary of the battle of Leipzig, the king commanded the publication of the Carlsbad decrees. On the same day he approved the censorship edict, which the chancellor had elaborated with the greatest possible speed. Schöll and Koreff, the two magnetic wizards, the same worthless fellows whom Wittgenstein was accustomed to suspect as Hardenberg's liberal seducers, had in this matter given faithful service to their patron;[2] the committee appointed in the spring to elaborate the press law was not even consulted. The new edict, in essentials an elaboration of Wöllner's censorship ordinance of the year 1786, went far beyond the Carlsbad prescriptions, declaring in its preamble that all printed matter without exception should, as hitherto, be subjected to the censorship; even the exemption from censorship previously conceded to the academies and the universities was suspended for the five years' duration of the edict. The only thing to offer any guarantees against arbitrary acts was the newly constituted supreme college of censorship; but under the lax administration of Councillor von Raumer, this ultimate court of appeal never attained to any vigorous efficiency. Meanwhile, Ancillon, Nicolovius, and Köhler, the members of the old press law committee, remained assiduously at work. They held fast to the principles of their late referendary, Hagemeister, and on November 9th handed to the ministry of state a proposal which, in sharp contradiction with the censorship edict, made

[1] Cruickshank's Report, October 30, 1819.
[2] Hardenberg's Diary, October 4, 1819.

freedom of the press the general rule, and reserved the censorship for political newspapers alone.[1] This well-intentioned suggestion was ignored, a striking testimony to the sudden change of sentiment in Hardenberg's policy. Characteristic was Ancillon's attitude, for he found it possible simultaneously to elaborate this liberal press law and to impress upon the diplomats the need for the strict enforcement of the Carlsbad decrees. Certain severe ordinances were also issued regarding the discipline of the universities, but through Altenstein's happy intervention, the force of these was largely mitigated by the mildness of their practical application.

Since the arrests of July, throughout the realm of Prussia, Kamptz's tools had been able to track out only two more notable demagogues. De Wette's incredible letter to Sand's mother became known and was laid before the king. As soon as the matter was proved, Frederick William, unaffected by the requests of the university of Berlin, ordered that the theologian should be dismissed. By his orders, de Wette received a letter couched in the following terms: "It would go against his majesty's conscience if a man who considers assassination justified under certain conditions and provisos were to remain in a position in which he is entrusted with the instruction of youth." De Wette endured the severe, but just, punishment with a Christian submission which served merely to give fresh proof how little revolutionary energy there really was in the theoretical radicalism of this professorial circle; at the very moment when he was expelled from Prussia, he invoked God's blessing once again upon this king and upon this state which he had served to the best of his ability.

Görres' conduct was more defiant. Warned in good time by his friend Willemer, when his book upon "Germany and the Revolution" was published he escaped the threatened prosecution by flight, and, from Strasburg, then demanded a safe conduct: he would render an account only to the jurors of his Rhenish home. The crown could not parley in this way with an accused person; nor would the king concede to him trial by jury, for, after the town of Coblenz had just intervened on behalf of its fellow-citizen in a truly arrogant petition, it could easily be foreseen that the Rhinelanders would make an improper use of the opportunity afforded by such a trial

[1] Published by F. Kapp. Prussian Press Legislation during the Reign of Frederick William III. (Archiv. f. Gesch, d.d. Buchhandels, VI, p. 185.)

for an offensive manifestation against the Prussian regime. In accordance with the outlook of the old absolutism, the king regarded himself as justified, in cases of political danger, in personally nominating the judges, and did not change his mind on this point even when the Rhenish public prosecutors declared that there was no ground for a criminal charge. Frederick William considered that he did not exceed his prerogative when he had the fugitive informed, through the instrumentality of Hardenberg, that Görres must first answer the summons and then leave it to the monarch to decide before what court he should be tried. But to Görres, the king's procedure seemed an invasion of Rhenish liberties, and he refused to leave Strasburg.

Public opinion, already in an extremely bad humour, now broke out into fierce anger when the editor of the *Rheinische Merkur* was thus expelled by the Prussian state (with good cause, indeed, but only on account of inconsiderate words, and in a manner which involved infringement of legal forms), and when his ancient and deadly enemies the French (whom he could now no longer harm in any way) generously and with unconcealed and malicious joy granted him asylum. In intercourse with the Strasburg Jesuits, Görres was soon completely won over to the side of those clericalist efforts towards which he had already been drawn in Coblenz. The unstable romanticist, who had at one time in mighty dithyrambs extolled the victorious flights of the black eagle, now, blinded by religious and political hatred, formed for himself a horrible caricature of the Prussian monarchy, the region of Protestant and unimaginative barrenness and of dead bureaucratic rules. Henceforward it was his pride, in the name of German and Catholic freedom, to fight against "this malformed and rigid skeleton."

Besides Görres, C. T. Welcker and about fifty authors, students, and publicists, threatened by the prosecution of the demagogues, had taken refuge in Strasburg. Thus Alsace, which, four years before, Germany had desired to liberate from the French yoke, now offered asylum to the dissatisfied of Germany, and many of those thus expelled, declared to their revolutionary friends in Strasburg that they would have done well at an earlier date to cast in their lot with free France! It was proposed to found here on the frontier a free German newspaper, but the hopeless poverty of the refugees, and a

strict prohibition from Berlin of the import of all German newspapers published in foreign countries, frustrated the design. The central committee of enquiry immediately reported to the Bundestag the dangerous intrigues that were going on in Strasburg, and both the great powers demanded of the neighbour court of Carlsruhe that strict supervision should be exercised. Berstett acted on these instructions with fiery zeal. He entered into correspondence with the legitimist mayor of Strasburg; placed de Wette, who had just come to Heidelberg, under police supervision, and declared with servile enthusiasm that Baden regarded herself as Germany's outpost and made it a point of honour to safeguard the fatherland against the onslaughts of "Teutonising Jacobins upon the left bank of the Rhine." [1]

Two German states only, Bavaria and Würtemberg, offered a feeble opposition to the federal laws; but since both these governments had already approved the decrees unconditionally, their subsequent attempts at resistance were essentially dishonest, petty, and devoid of all prospect of success. In Munich there was once more displayed that scandalous weakness which had been characteristic of this court since the fall of Montgelas. When Count Rechberg returned from Bohemia, he was overwhelmed with reproaches by his colleagues Lerchenfeld and Reigersberg. The former dreaded the destruction of political freedom, and in a passionate letter to his friend Wangenheim had already expressed his liberal discontent with the Carlsbad decrees.[2] The latter trembled for Bavaria's position of European power, proudly believing that Bavaria was self-sufficient, and could dispense with the Federation. In secret, Montgelas also gave his assistance, for the ancient opponent of Austria hoped once more to get his hand on the tiller. When the Carlsbad decrees were laid before the ministerial council, Lerchenfeld and Reigersberg accused the foreign minister of having exceeded his instructions. In fact, the Bavarian constitution was the only one which did not in set terms accept the legal validity of the federal laws.

King Max Joseph, however, in so far as he was able to

[1] Berstett to Metternich, October 2 and 22; to Schuckmann, November 26; Metternich to Berstett, October 30; Schuckmann to Berstett, November 1, 1819.

[2] Printed by F. von Weech, Correspondence and Documents bearing on the History of the Ministerial Conferences of Carlsbad and Vienna, p. 16.

come to any decision, was filled with dread of the demagogues, although the crown prince, in an earnest letter, implored him not to abandon the constitution. Annoyed by the dissensions among his councillors, he had not been willing to attend the ministerial council in person, and had instead sent the faithful Wrede. As soon as Rechberg was attacked, Wrede, quickly making up his mind, laid his hands upon the documents, and in the name of the king declared that what was past was past, and that the only thing which remained for discussion was the acceptance of the Carlsbad decrees.[1] Thus the attack on Rechberg was averted, and, after further lively disputes, the two parties in the ministry met in a pitiable compromise. The Carlsbad decrees were published, but with an appendix which declared that they were to be valid "subject to our sovereignty, and in accordance with the constitution and the laws of our kingdom." It was only the federal executive ordinance (whose carrying out did not indeed depend upon the crown of Bavaria but upon the Federation) which was omitted from the publication; the censorship, too, in accordance with the Bavarian constitution, was to be restricted to political newspapers.

If this proviso were to have any meaning at all, it signified that Bavaria was to be exempted from the decrees which the court of Munich had already twice formally approved, first in Carlsbad and then in Frankfort. The two great powers immediately armed for defence, and, in view of the plans for a *coup d'état* which the Bavarian crown had recently laid before them, the proviso did in fact seem dishonourable. Emperor Francis personally expressed his annoyance to the Bavarian envoy;[2] sent his father-in-law an autograph letter, warning him against "partisan intrigues"; and gave strict instructions to his envoy in Munich. Still more vigorously did Bernstorff bear testimony. "If the Bavarian government recalls," he wrote to Zastrow on November 1st, "in what urgent need it stood a few months ago, what counsel it then asked from us, and to what an extent the desire to give this government a firm standing-ground in future from which to resist improper presumptions, has co-operated in bringing into existence the Carlsbad decrees, it will readily understand our astonishment.

[1] Zastrow's Reports, October 9 and 20, December 23, 1819. Further details in Appendix IX.

[2] Krusemark's Report, October 30, 1819.

If the Bavarian government wishes to secede from the Federation, and as far as future difficulties are concerned to confide in its own powers (which may not always prove sufficient), we must advise those federal states which are of the same way of thinking with ourselves to oppose this first deviation from the federal decrees." When General Zastrow simultaneously communicated these views to Vienna, and read to the Bavarian minister the instructions which had been hailed with joy,[1] Count Rechberg felt profoundly contrite, and begged the Prussian to give him a note which he could lay before his colleagues. Zastrow responded to the request (November 8th), and now the Bavarian heroics lamentably collapsed. In a humble answer Rechberg declared that his king had never had any idea of seceding from the Federation, and that the sole aim of the publication had been "to pacify the subjects of the crown." [2]

Deeds corresponded to words. The censorship of the newspapers and the supervision of the universities were in Bavaria effected with the greatest possible severity, and the sending of Hörmann to the Mainz committee left no further doubt open regarding the sentiments of the court of Munich. A petition on the part of the indefatigable Hornthal against the Carlsbad decrees was brusquely rejected by the ministers. Certain officers who assembled in Ratisbon and Kelheim in order to defend Bavarian constitutional rights against the attacks of their country's old enemy, Austria, were reminded by Colonel Zoller of the duties of military discipline, and were speedily silenced.[3] To strengthen the repentant sinners, on December 7th Ancillon despatched another unctuous memorial in which he said: "Truth has forces of its own to which in the end people must submit. Everything that increases Germany's unanimity favours its unity. Sovereignty has no other enemies to fight against than those who hypocritically feign for it a suspect veneration." [4] At the same time Ancillon gave assurances that his king had not the remotest desire to see the Bavarian constitution abolished; it would suffice if this constitution were to be manipulated in a strictly monarchical

[1] Bernstorff: Instruction to Zastrow, November 1; to Krusemark, November 2. Krusemark's Report, November 10, 1819.

[2] Rechberg to Zastrow, November 13, 1819.

[3] Zastrow's Report, November 17, 1819.

[4] Ancillon to Zastrow, December 7, 1819.

sense. Prussia, therefore, advised against the introduction of a Bavarian constitution based upon provincial diets, such as the envoy in St. Petersburg, Count Bray, upon Metternich's suggestion, had just before recommended to the court of Munich. [1]

At length the vacillating Max Joseph felt fully reassured. He knew that he could go hand-in-hand with the court of Prussia without any infringement of his oath to the constitution. Wrede, too, who, in his fickle way, had showed himself for a time to be greatly concerned on behalf of Bavarian sovereignty, was converted by a flattering letter from Metternich, and assured the Prussian envoy of his profound detestation of the liberal views of Lerchenfeld. The last-named had considerable difficulty in retaining his post, for his demagogic letter to Wangenheim was betrayed to the king, and aroused the monarch's most intense anger.[2] The humiliation of the court of Munich was complete, and the victory of the two great powers was secured for the future when Rechberg now refused to go to the ministerial conferences at Vienna. He desired to remain in Munich, in order to keep the unreliable monarch in view. In Vienna, Zentner was to represent the Bavarian crown, and Rechberg's knowledge of men led him to predict that this bureaucrat, suspect for his liberalism, would return from the shores of the Danube a warm admirer of Metternich.[3]

The dishonesty of the Bavarian court seemed respectable when compared with the conduct of the crown of Würtemberg. As early as October 1st, King William promulgated the Carlsbad decrees without proviso, and on the same day introduced the censorship. Yet a few days earlier he had sworn fealty to the new constitution, which promised the freedom of the press, and which in many other respects conflicted with the declarations made at Carlsbad by the Würtemberg minister, Wintzingerode. Perhaps, like Hardenberg, he salved his conscience with the fact that the federal press law was valid for five years only. This double-faced attitude was excused to the great powers, as far as might be, by tortuous assurances. After all that had happened, declared Wintzingerode to the Prussian envoy, the crown owed its people a proof of confidence. In Vienna, on the other hand, the king allowed it to be

[1] Blittersdorff's Report, St. Petersburg, October 25, 1819.
[2] Zastrow's Reports, December 23, 1819, January 9, 1820.
[3] Zastrow's Report, October 27, 1819.

understood that, were it possible, he would gladly recall what had happened.[1] When the town of Esslingen sent in a petition against the Carlsbad decrees, Wintzingerode administered a sharp rebuke to the censor who had passed this dangerous document. Simultaneously the same minister prepared a diplomatic campaign for the conferences of Vienna, and, in order to secure for his court support among the small fry, he next had the minutes of the Carlsbad conferences, which it had been agreed to keep secret, sent to several of the minor courts excluded from those conferences.

Meanwhile King William endeavoured to destroy the one thing which in this gloomy epoch of our history was something to rejoice about, namely, the harmony of the German crowns vis-a-vis the foreign world. In October he went to Warsaw in order to incite his imperial brother-in-law against the two German great powers, but Metternich thereupon immediately ordered the Austrian envoy, Lebzeltern, to pay a simultaneous visit to the Polish capital.[2] The precaution was hardly necessary. Czar Alexander gave his brother-in-law an extremely cool reception, for this excess of falseness disgusted him, although he himself by no means invariably eschewed crooked paths. He did not hesitate to say openly before the foreign diplomats that twice formally to accept the Carlsbad decrees, then to work against them, and, finally, to appeal to him (the czar) for help, was an unsavoury practice (*de la mauvaise besogne*).[3] The king of Würtemberg had to depart with nothing effected, and subsequently, on a visit to Carlsruhe, he endeavoured to induce the court of Baden to join with him in a liberal sonderbund; but neither the grand duke nor the ultra-conservative Berkheim, who was now the duke's principal stand-by, would yield to these incitations. At the same time King William sent an urgent request to the Bavarian government not to display any needless hesitation about enforcing the Carlsbad decrees, for, after he had unreservedly recognised these decrees, no other German prince must exhibit a more liberal spirit.[4]

[1] Küster's Report, Stuttgart, October 12; Krusemark's Reports, Vienna, September 22, October 2, 1819.

[2] Instruction to Krusemark, October 1, 1819.

[3] Lebzeltern's Report from Warsaw (in Krusemark's Report, Vienna, December 8); Blittersdorff's Report, St. Petersburg, November 7, 1819.

[4] Berstett to Grand Duke Louis, Vienna, December 12; Zastrow's Report, Munich, December 6, 1819.

This king, who vacillated in so undignified a manner between despotic inclinations and ambition to pose as a liberal, was extolled by his loyal people in ignorant good faith, as the mainstay of Teutonic freedom. "Never has Würtemberg attained a more glorious position," wrote Wangenheim with delight, "and if this position is occupied with firmness and maintained with intelligence, the country will acquire an internal strength which will fit it to cope with all others."[1] When King William returned from Warsaw, the inhabitants of Stuttgart assembled in crowds to greet him at the gate, took the horses out of his carriage, and dragged it in triumph to the palace. Here the school children awaited him, and they sang: "Praise God from whom all blessings flow," the people joining in, and grown men being moved to tears. In the evening, bonfires flamed on the hills, and in the theatre Uhland's *Ernest of Swabia* was played. There were thunders of applause when a stirring prologue sang the glories of the prince who in a time of wild confusion magnanimously extended a hand to his people, and when this prologue declared, "The gods still descend to earth." To supply an effective background for the brilliant spectacle of Swabian freedom, the poet described the intense gloom of Prussian affairs, and said, alluding to Görres:

> Such is the curse of that unhappy state
> Where freedom and the law in ruins lie,
> Where those late deemed the saviours of their land
> Must flee for refuge to a foreign hearth.

In this way were praises showered by a German tribe upon a prince who had just been endeavouring to spur on the Russians against his German allies. In the intoxication of enthusiasm for Wurtemberg freedom, no one gave a thought to the common fatherland. Now that the Germanic Federation had estranged itself from the people, particularism once again stalked abroad unashamed. In Ulm a number of Würtemberg officers, led by General Hügel, combined to send the king an address turgid with Rhenish Confederate megalomania.[1] The memorialists began by singing the praises of their const tution, "engendered by the spirit of truth, and conceived by the love of right"; and they went on to vent their anger in abusive

[1] Wangenheim to Hartmann, November 6, 1819.
[2] Zastrow's Report, November 17, 1819.

terms upon "the foreign governments who rail against the happiness of the Würtemberg people, and who cherish the insane illusion that they will be able to hale Würtembergers abroad before a foreign inquisition, to judge them by the laws of other lands than our own." In conclusion, they actually demanded war against the two great powers, speaking yet more plainly than a few months before had spoken the liberals of the Bavarian chambers, describing it as "the most glorious of struggles on behalf of the most sacred possessions of a full-grown people," and declaring "the entire nation will flock to our ranks, full of enthusiasm!" However childish these boasts might seem, the incident was taken seriously both in Vienna and Berlin, for what would become of the Germanic federal army if this unbridled spirit of political partisanship, which had already more than once manifested itself in the Bavarian army, was now to infect some of the other minor Napoleonic contingents? Both the great powers demanded in Stuttgart that severe proceedings should be taken against the signatories to the address. King William complied, but the punishments, he inflicted were so trifling as to leave no doubt about his own true opinion. Such a policy, false and contradictory in every word, was not likely to impose any obstacle in the way of Austria's triumphal campaign.

King William's journey to Warsaw seemed all the more foolish because in Russia the state of perplexity and insecurity with which the policy of that country had become affected in the spring of 1818 still persisted. Now, as before, Nesselrode was Metternich's devoted disciple, and unreservedly approved all that had been done in Carlsbad;[1] the views of Capodistrias in this matter were strongly opposed to those of Nesselrode; the czar was in essentials of the latter's way of thinking, but was not firm enough to reject unhesitatingly the liberal ideas of his Greek friend. Immediately after the Carlsbad conferences, Emperor Francis had written personally to the czar explaining how gravely the repose of Europe was endangered by the criminal neglect displayed by the minor German crowns in their proceedings "against the fools and the noisy complainants." Next the two German great powers, directly their work was completed, laid before the czar the

[1] Blittersdorff's Reports, St. Petersburg, August 14, 1819, and subsequent dates.

new federal decrees, and received the warmest expressions of Alexander's gratitude. All the foreign ministers at the court of St. Petersburg agreed in reporting that the czar was absolutely convinced of the imminent danger of a general revolutionary uprising; it was only for this reason, Alexander repeatedly declared, that the Russian army remained upon a war footing.[1]

Meanwhile Capodistrias was pursuing a liberal policy upon his own account. He called the representatives of Bavaria and Baden seriously to task, asking them why the courts of these countries had so frivolously abandoned their sovereignty. What would happen now, he asked Blittersdorff, if the Bundestag were to entrust to the crown of Bavaria the carrying out of executive measures against Baden? "Fear," he said, "is always an evil counsellor, and fear seems to have dictated the Carlsbad decrees. If the German princes are sovereigns merely in order to submit themselves to another's authority, well and good, let them choose an overlord, but let them choose one overlord, not eight-and-thirty." It would be well, he said in conclusion, that the court of Carlsruhe should think twice before agreeing, at the Vienna conferences, to accept new decrees which would convert the Germanic Federation into a federal state![2] The Russian envoys to the minor courts, Anstett in Frankfort, Pahlen in Munich, and Koselowski in Stuttgart, did not know what to make of these extraordinary contradictions, and therefore acted on the old Muscovite principle that disturbances of the peace in Germany must be advantageous to Russia, omitting nothing which might serve to encourage resistance to the German great powers.

At length, on November 30th, Capodistrias took a somewhat bolder line, simultaneously despatching four comprehensive memorials: an answer to Lebzeltern, the Austrian envoy; a verbal note to the two German great powers; a circular despatch to the Russian envoys in Germany; and, finally, an additional memoir dealing with the consequences of the recent federal decrees.[3] The bombastic phraseology of these documents showed only too clearly that the Greek could not venture to

[1] Krusemark's Report, December 8, 1819. Report from Löwenhjelm, Swedish envoy at St. Petersburg (appended to Krusemark's Report, January 2, 1820).

[2] Blittersdorff's Report, St. Petersburg, November 4, 1819.

[3] Capodistrias to Lebzeltern, November 30, 1819. The three other documents are published by F. von Weech, Correspondence, pp. 19 et seq.

express his whole opinion. To sum up the verbiage, Czar Alexander hailed the Carlsbad decrees as fresh proof of his allies' magnanimous intentions. But he could not give that unconditional approval which the Prussian court anticipated, for he noted with profound distress that unanimity was lacking among the German governments themselves, and that many of them were to-day showing by their actions their disapproval of that which yesterday they had accepted as a matter of principle. In view of these dissensions, and of the severely disordered state of Germany which was manifested by the commencement of emigration, the czar was unable to give any definite opinion until he had consulted the court of St. James's.

Thus Russia sought advice from her sworn enemies, from the English tories, and England stood absolutely firm on Austria's side! Count Münster, who remained Castlereagh's sole adviser in all German questions, was a yet more zealous advocate of the Carlsbad policy than Metternich himself; from Bohemia he had sent emphatic instructions to the privy council of the duchy of Brunswick (which was under the guardianship of the prince regent) to impress upon its members the correct doctrine of the German representative estates. The German great powers were not likely to find much difficulty in parrying so hopelessly maladroit a thrust. Hardenberg immediately wrote to Castlereagh (December 30th), asking him in a friendly way to give a brusque reception to this sophist Capodistrias ("who already gave us so much trouble at Aix-la-Chapelle)"; the czar, declared Hardenberg, is really quite of our way of thinking. Metternich wrote in similar terms.[1] Castlereagh, of course, hastened to reply to his old friend that all the latter's undertakings received his cordial good wishes, and on January 14th despatched an answer to the Russian court calculated to disperse "the visions of Count Capodistrias." In point of form his rejoinder was cautiously worded. He had to avoid irritating the whigs in parliament, where, in a fierce speech, Lord Minto had just been reproaching him on account of "the league of the courts against the peoples." Consequently he refused to accept Metternich's proposal that he should discuss with the other courts of the Quadruple Alliance the adoption of common measures to be undertaken upon the death of Louis XVIII; and in his despatch to the Russian envoy he took the line that, as a matter of principle, England's

[1] Krusemark's Report, January 2, 1820.

policy was one of non-intervention.[1] Nevertheless he essentially espoused the cause of Austria, approving the campaign against the revolution, and finding that there was no occasion to complain of what had been done. The Badenese government, too, considered it its duty to reject the Greek's warnings in forcible terms: "The federal act," wrote Berstett, "is for Germany to-day the law and prophets."[2] After this Capodistrias kept quiet, and for a time Nesselrode once more gained the upper hand.[3] Nor was a word of contradiction heard from the Tuileries.

Thus Metternich could pursue his course undisturbed, in arrogant security. He contended that throughout Europe the beneficial consequences of his "diplomatic counter-revolution" could already be observed. The French ministers now opposed the independents far more decisively than for a long time past, while in the English parliament the tory cabinet continued to gain victory after victory.[4] Never had Gentz written more proudly and more confidently than in this happy winter. To the attacks of the French press he scornfully rejoined: "The moment is perhaps not far distant when all good fathers in Germany will recognise that what blindness or bitterness has termed the death-blow of the German universities was really the beginning of their rebirth." When the French deputies, in an access of unbridled partisan frenzy, expelled Grégoire the regicide from the chamber, the *Oesterreichsche Beobachter* expressed its approval of this action in the statesmanlike words: "The result cannot fail to encourage those of the right way of thinking, seeing how profoundly it has depressed their opponents." Adam Müller declared to his friend: "There now exists on both sides of the Rhine a firm association on behalf of the cause of God and truth, and this association is your work." The Germans were to learn again at Christmas precisely what was understood at Vienna by the cause of God and truth. At the very time when the German demagogues were being haled to prison, General Mack, the man who had capitulated at Ulm, was reinstated by Emperor Francis in all his honours and dignities. "By an excess of imperial grace" (as General Krusemark could not refrain from observing) all the accumulated

[1] Krusemark's Reports, January 2 and April 10, 1820.
[2] Berstett to Capodistrias, December 10, 1819.
[3] Krusemark's Reports, January 17 and February 12, 1820.
[4] Krusemark's Report, December 26, 1819.

pay which had been withheld from Mack since the glorious days of Ulm was now paid over to the hero.[1]

§ 2. HARDENBERG'S DESIGN FOR A CONSTITUTION. DISMISSAL OF HUMBOLDT.

Of enormously greater value to the Hofburg than the friendly attitude of the foreign powers was a struggle within the Prussian ministry, a struggle whose connection with the Carlsbad decrees was indirect merely, but which ended in a victory for the Austrian party. On August 5th the chancellor had returned to Glienicke in good spirits, believing that by the Teplitz convention he would have regained the king's confidence, and sanguinely devoting himself to the completion of his plans for reform. The new tax law and national debt law were nearly ready. Hardenberg desired to secure Stein's opinion on these measures, despatching a gracefully worded letter speaking of himself as Stein's pupil in financial matters, and making the friendly enquiry, "Why can we not work together?" But the proud imperial baron remained firm in his hatred, and overwhelmed Hardenberg's proposals with criticism although he knew absolutely nothing about them. Meanwhile the design for a constitution also attained its final form. The malicious tongues of the capital were wagging confidently with assurances that for a long time past the chancellor had abandoned his constitutional ideas; and it was generally asserted that upon receipt of the news of Kotzebue's assassination he had exclaimed, "A constitution for Prussia has now become impossible!" But no one could give any direct authority for this rumour, and if it were not simply invented, the exclamation was no more than the involuntary outcome of a first moment of panic. This much is certain, that now, when circumstances were extremely unfavourable, Hardenberg resumed his work on behalf of the constitution. On August 11th he laid his final proposal before the king, an elaboration of the plan which had been approved by Metternich in Teplitz; and, after further confidential discussions in Charlottenburg, to which Witzleben was also a party, Frederick William once more commanded that a special committee should be formed out of the constituent committee of the council of state to draft the constitution on the lines of Hardenberg's

[1] Krusemark's Report, December 13, 1819.

proposals. This special committee consisted of the chancellor, Humboldt, Schuckmann, Ancillon, Daniels, and Eichhorn.[1] Six additional weeks elapsed, for Daniels was detained by the business of organising the Rhenish judiciary. At length, on October 12th, the special committee held its first sitting, and Hardenberg's proposal, *Ideas for a Representative Constitution in Prussia,* emerged into the light of day.

This work showed that, although years had undermined the old statesman's energy of will, the boldness and incisiveness of his ideas remained undiminished.[2] In accordance with the thorough-going ancient Prussian manner, and in sharp contrast with the improvised constitutions of the south, he desired to establish parliamentary rights upon the broad foundation of self-government in the commune, the circle, and the province. The septuagenarian still believed himself to possess the energy requisite for a reconstruction of the entire state administration from below upwards. He no longer displayed any trace of those bureaucratic-liberal ideas which he had formerly manifested in the issue of the gendarmerie edict, and nothing could be more unjust than Stein's reproach that Hardenberg was a man simply of "liberal phrases and despotic realities, paying no regard to existing institutions." Hardenberg, rather, just like Stein himself, started from the principle, "we have nothing but free proprietorship," and all representative rights were to depend upon free landed proprietorship. Consequently a communes' ordinance, to give the communes the management of their own affairs, was indicated as the most pressing need of the moment. The circle diet was to consist of deputies indirectly elected by the rural and urban communes and others directly elected by the manorial landowners, thus representing three estates (or four estates if there were any mediatised nobles), and these bodies were to form undivided assemblies, not bound by instructions from the electors. Thus it was not the landed nobility but great landed proprietorship as a whole which received especial representation; the manorial landowners did indeed receive the name of "circle estates," but they were not as such given integral votes at the circle diet, having merely the right to elect representatives to that diet. Every Christian landowner of full legal age and of unblemished reputation was eligible for election. The circle diets were to elect

[1] Cabinet Order to the Chancellor, August 23, 1819.

[2] Ideas for a Representative Constitution in Prussia. See Appendix X.

representatives of the three estates to the provincial diet, of which body the mediatised and the bishops were to be *ex officio* members; the king himself had declared representation of the universities undesirable, except in so far as the universities were landowners. All these representative bodies were chiefly concerned with the administration of local affairs and of debts, and with the assessment of taxes. On the other hand, the general Landtag, elected by the provincial diets, was to have no executive powers, and was merely to receive annual ministerial reports upon the administration, relating especially to the state of the finances, and was to discuss the new laws for the monarchy as a whole.

Here it was plain how differently from Metternich the Prussian chancellor interpreted the pledges of the Teplitz convention. He seriously desired that there should be a respected (if not very large) Prussian diet, and not a paltry central committee; leaving it for the constituent committee to consider whether the unicameral or the bicameral system would be preferable for this general representation of the three estates. He was further careful to leave open the difficult questions of initiative in legislation, of publicity, and of ministerial responsibility. He also left open the question whether the provincial diets were to represent the newly formed provinces or the feudal territories of former days. Foreign affairs and military concerns (in so far as they did not involve personal obligations) were beyond the competence of the diet. An enumeration of certain fundamental rights followed: equality before the law, freedom of conscience, and so on. Prescriptions regarding freedom of the press and the administration of justice were also mooted. All this was done at the very moment when Hardenberg was enforcing the Carlsbad policy, for in his eyes the new federal laws were no more than exceptional laws for a few years of special need. In conclusion, the chancellor insisted upon the firm maintenance of the monarchical principle, and recalled the saying *salus publica suprema lex esto.*

The proposal offered numerous points for criticism. In view of the endless complexity of social conditions in the country districts, a single communes' ordinance for the entire monarchy was plainly impossible. Still more questionable was the notion that the suffrage was to be granted exclusively on account of landed proprietorship, for in the towns this plan would lead to numerous absurdities. A dubious proposal also

was the re-establishment (assumed to be possible) of the old territories, although it was true that difficulties were involved in the taking over of the complicated debts of these territories by new provincial administrations. Open to criticism, above all, was the unfortunate system of threefold indirect elections. The danger was obvious that a general Landtag of this kind, not elected but delegated, would become estranged from the nation, and that the monarchy would assume the character of a federative state. Nevertheless, in the existing posture of affairs, the point of supreme importance was that a parliament should be constituted for the monarchy in its entirety; the form of this parliament was of comparatively little moment. In essentials, Hardenberg's proposals amounted to the summoning of a united Landtag, such as assembled in the year 1847. It was not impossible that such an assembly, summoned in 1820, would in the course of a generation have been able to lead the state gradually and peacefully into the paths of a purely representative system.

Every sentence of the memorial disclosed the serious and straightforward character of the chancellor's determination. With great caution he had avoided introducing anything which might alarm the king, and for this reason he had, above all, withdrawn military affairs and foreign policy from the competence of the diet. Moreover, he had gone as far as possible to meet the desires of the feudal party, and yet, in the inconspicuous section about the circle diets, the proposal contained a bold and far-reaching reform. The lords of the manor were deprived of their integral votes at the circle assemblies, their voting power being reduced to a moderate amount in harmony with the relative economic forces of the new time. In this way redress was given for one of the bitterest and most justified complaints of the peasants in the east; the feudal dominion of the nobility in the rural districts collapsed, being replaced by representation of the interests of three social groups, among which the lords of the manor still, indeed, received a considerable preponderance of power, but were no longer given an absolute dominance. Hardenberg's plan was, in fact, to complete the reforms of 1807–12, to destroy the last vestiges of the feudal order. Readily comprehensible was the anger with which the feudalist party at the court raged against the old Jacobin. Had he not, in his maladroit closing words, betrayed his "ideas"; had he not shown that he honoured the *salut public* as the greatest of all goods?

It is true that the chancellor laid before the committee no more than the outline of a proposal, a light sketch of suggestions which bore a similar relationship to Humboldt's constitutional memorial as that which a skeleton bears to a living body. Everything depended upon how the committee would fill in these outlines. There seemed no reason to expect that any of the members of that body would offer opposition on principle. Eichhorn and Daniels gladly approved the leading elements of the proposal. In the brief months of his career as a minister of state, Humboldt found only two opportunities of expressing his views upon the principles involved in the constitutional dispute, and showed in both instances that Hardenberg's compromise was his own. When two decayed rural poor-houses which the state had long before handed over to the estates of Electoral Mark, had to be re-established, and the estates, after their custom, protested against the alleged infringement of their rights, Humboldt replied: "I do not deny that in my view profound difficulties are at present involved in the settlement of all matters connected even remotely with a representative constitution." He advised the monarch to adopt a middle course. The government should immediately undertake the urgently necessary reform of the poor-relief system of Electoral Mark, but should promise the estates that their views should subsequently be given due consideration as soon as the new provincial representation should come into existence. The estates of County Mark, which once more petitioned for the re-establishment of their ancient institutions, received a firm and friendly answer to the effect that the provinces would not be left without representative institutions, but that the needs of national unity made it impossible "to leave in isolated and unaltered existence that which had hitherto obtained in utterly different circumstances."[1] It was as if Hardenberg himself had dictated the answer. Ancillon, too, still favoured the chancellor's plan; in his book *Political Science* he had just expressed a strong commendation of the advantages of the bicameral system. Even Schuckmann had hitherto continued to express himself in favour of the design to establish a constitution.

As soon as the news that Humboldt was one of the members of a new constituent committee had been bruited

[1] Humboldt to Schuckmann, October 24; to Bodelschwingh-Plettenberg, September 22, 1819.

abroad, the flagging hopes of the liberals began to revive. Councillor Grävell, the indefatigable journalistic advocate of a constitution, republished, in November, the notorious letter sent by the youthful Gentz to King Frederick William, and declared in his defiant preface: "There are two great days in the life of nations: the day on which the king ascends the throne, and the day on which a constitution is granted; on the first of these days, the accident of time, on the second, wisdom itself, concludes a new alliance between prince and people. Frederick William's people is now approaching the second of these great days, for the year 1820 brings the evangel of the future, the day of the foundation of a representative constitution." The *Oppositionsblatt*, the radical paper of Weimar, went so far as to prophesy in December that in the following year there would be promulgated a Prussian constitution satisfactory to the wishes of the boldest.

The challenging language of the old estates, whose arrogance had continually increased since the announcement of the Carlsbad decrees, served merely to strengthen the chancellor in his constitutional designs. "Filled with consolation and hope by the newest decrees of the august German federal assembly," the lords of the manor of West Havelland memorialised the king on November 17th to express their indignation concerning "the unseemly presumption of the so-called popular representatives of other German lands," and they continued as follows: "Well acquainted with the state of mind of the countryfolk, the most vigorous element of the nation, we are able to assert that these are in general far from inclined to lend ear to the widespread intrigues of those who desire to lead the people astray. On the contrary, they earnestly hope for the continuance of their ancient institutions, upon which their present favourable situation depends. All the German lands owe the happiness they have enjoyed for half a millennium to the existence of the representation of estates, to a system which can be altered by a convention alone." There followed a petition for the re-establishment of the old rights, and there was enclosed a defiant letter to Hardenberg, condemning the abolition of the privileges of the estates as an attack upon property. Soon afterwards, the estates of County Ruppin demanded that the crown should summon to the constituent committee elected deputies of the old estates from the individual provinces in rotation—a demand which was soon to acquire

practical importance. Both these petitions were rejected by the chancellor in sharp terms.[1]

Nevertheless Hardenberg's new constituent committee did not display much vitality. It resolved, first of all, to draw up a general plan for the representative institutions as a whole, and then to pass step by step from the consideration of the communes' ordinance to the representative systems of the circles, the provinces, and the entire monarchy. But before the end of the year no more than two sittings had been held, and two only of the members of the committee, Ancillon and Eichhorn, had issued written opinions regarding the general design. Both demanded a bicameral system, and both considered that the central representative body should have "a legislative as well as a deliberative voice."[2] From the first the efficiency of the committee was paralysed by the enmity between Hardenberg and Humboldt, who were now measuring strength in a fierce struggle.

Humboldt did not enter the ministry until August 12th, after the completion of his work at Frankfort, and had from the very first to endure the offensive mistrust of Hardenberg. The minister for representative affairs was allowed for many weeks no word of information concerning the chancellor's "Ideas"; and when the design for a constitution was at length disclosed, he was just as much taken by surprise as were the other members of the committee. There were, indeed, good reasons for Hardenberg's insulting attitude, for Humboldt since accepting office had unceasingly laboured to secure for himself and the other ministers that independent and responsible position which was in his view essential, but which was incompatible with the rights of the chancellor. His ultimate aim was the overthrow of Hardenberg. He hardly cared to conceal his opinion that the chancellor was a man of ill-omen, and an opportunity was soon offered for joining battle. On August 9th the king had informed the ministry of his well-grounded displeasure that the cabinet order of January 11th still remained unanswered.[3] The ministerial council met in

[1] Petition to the king from the lords of the manor of the West Havelland and Zauche circles, November 17; Petition of the estates of County Ruppin, December 21, 1819.

[2] Minutes of the constituent committee, October 12 and 28. Ancillon and Eichhorn, Ideas concerning the Representative Constitution.

[3] Cabinet Order to the Ministry of State, August 9, 1819.

order at length to fulfil the king's command, and the new member was able to concentrate the widely divergent opinions of his colleagues upon a single definite idea.

Humboldt considered that the principal ground of previous errors was to be found in the chancellor's position of power, and he won over the majority of the ministers to his side, for Bernstorff and Klewitz were absent, and Wittgenstein carefully abstained from attendance. Hardenberg vainly endeavoured to dissuade the ministers from taking up such a position; barely eight days after Humboldt's entry, the mood of the ministry had become so difficult that the chancellor already foresaw the necessity for a change.[1] On August 26th the ministry of state subscribed an answer to the king, compiled by Humboldt, and contrasting strangely with the opinions previously given by individual members. Humboldt's report made no more than a superficial reference to the principal questions in the cabinet order of January 11th, concerning educational matters, the press, and insubordination among the officials; the kernel of his disquisition was found in the repeatedly expressed opinion that, in consequence of the chancellor's position, there could be recognised "hardly any trace of the idea of a centralisation of administration in the ministry of state, with joint responsibility." He consequently demanded a complete fusion of the chancellorship with the ministry, so that the chancellor should effectively preside over the ministry of state, should report in full to this body, but in urgent cases should be empowered to act on his own responsibility; the minutes of the ministry of state were to be immediately sent to the king, and no proposal was to be laid before the monarch without previous knowledge of the minister concerned.

In other respects the ministers made very few recommendations. They gently indicated that some among them had more confidence than had his majesty in the good sense of the majority of the nation; they expressed a hope that they would receive more precise information regarding the most recent police enquiries, and desired that the secret police "should not shun the light of day upon its actions." There were interpolated a few quite indefinite complaints regarding "vacillation in respect of supreme administrative principles," and a number of unjustified and even utterly frivolous grievances. For example, the

[1] Hardenberg's Diary, August 19, 1819.

indispensable reform of taxation was condemned in advance, on the ground that "new taxes of an extremely dubious character must be avoided." The king was begged not to grant the constitution without consulting the ministry of state; and yet all the ministers belonged to the great constituent committee of the year 1817, a body before which the proposals of the new smaller special committee must be laid as a matter of course.[1]

If the report were approved by the monarch, this would inevitably involve the chancellor's resignation, although of all the ministers Humboldt alone desired such an outcome. Since Hardenberg no longer held any special portfolio, and since owing to his deafness it was simply impossible for him to assume the effective presidency of the ministry of state, Humboldt's proposals would completely deprive him of power, and the existing unified government (whose serious defects it was indeed impossible to overlook) would be replaced by a many-headed collective regime devoid alike of will and leadership. In view of the lamentable proofs of dissension and inefficiency which this ministry had furnished in recent months, who could possibly desire such a change? This very report, despite its specious unanimity, had come into existence only as the outcome of lively disputes.

Hardenberg immediately prepared for defence. He once more declared that upon the king's command he was perfectly willing "to retire to solitude with an extremely thankful heart," and begged the monarch "to give the ministry whatever degree of independence it might desire," also to approve the sending in of ministerial minutes; but in the hands of the chancellor must be left the rendering of regular reports to the monarch, these being based upon the reports the chancellor himself received from the ministers. In manifest irritation, he went on to show how the report of the ministry of state made short work of everything else, and looked upon a restriction of the chancellor's power as the "sole panacea." The imposition of new taxes was, he said, "unavoidable, and necessary for the good of the state." Repeatedly he reproached the ministers for taking much too light a view of "the aberrations of the zeitgeist, of the danger of a future generation of revolutionaries"; and in conclusion he rallied with indignation to the support of his friend Wittgenstein, "who during the seven years in which he has been chief

[1] Report of the Ministry of State to the king, August 26, with marginal notes by the chancellor dated September 10, 1819.

of the secret police has taken no single step without my full knowledge."

The breach between the two rivals was now plain to all, and widened to such an extent that Bernstorff and Wittgenstein considered it necessary to abstain from regular attendance at the sittings of the ministry of state. General Witzleben, a personal friend of both the disputants, and regarding both as indispensable, vainly endeavoured to secure a compromise.[1] Hardenberg threatened to resign, and after the king had refused to consent to exceedingly severe measures, secured on October 21st the issue of a none the less extremely ungracious cabinet order expressing to the ministry the monarch's displeasure concerning the superficiality of the last report, and confirming the chancellor in all his powers. In future the reports of the ministers were, indeed, to be sent directly to the crown, but the right was reserved for the chancellor of deciding upon which of these reports he would himself also report.[2] The ministers were to remain in a dependent position which was disagreeable to themselves and was in many respects disadvantageous for the rapid discharge of business, but which was inevitable as long as the chancellorship existed. In conclusion, the king once more reproved the ministers for their continued failure to send him the several opinions which he had commanded on January 11th. Hitherto the ministers had prudently avoided furnishing these opinions, but, in response to the monarch's repeated commands, they were at length forced to comply,[3] and now it became incontrovertibly plain that the struggle against the chancellor had been initiated by Humboldt alone. In their earlier opinions three only of the ministers had complained of Hardenberg's tutelage,[4] and not until after Humboldt's entry into the ministry had they all suddenly become aware that the primary cause of the trouble lay in the chancellor's dominant position. In such a situation a further attempt at mediation on the part of the excellent Witzleben was of necessity fruitless.[5] Humboldt was forced to retreat, after Hardenberg had repelled his attacks for the second time.

[1] Two Cabinet Orders to Wittgenstein and Bernstorff, October 7. Witzleben, Memorial concerning the Report of the Ministry of State and the Marginal Notes by the Chancellor, September, 1819.

[2] Two Cabinet Orders to the Chancellor and the Ministry of State, October 21. Hardenberg's Diary, October 12 and 14, 1819.

[3] Report of the Ministry of State to the king, November 10, 1819.

[4] Vide supra, p. 138.

[5] Witzleben, Memorial concerning the Cabinet Order of October 21, 1819.

With this struggle for power there now became associated the far more important dispute regarding the most recent development of federal politics. On September 8th Humboldt brought up the persecution of the demagogues for discussion, and induced the ministers, notwithstanding the opposition of Bernstorff and Schuckmann, to ask the monarch whether the new precautionary measures were to be treated as legal or as extraordinary measures. A strict exhortation to obedience was the reply (September 16th). Thereupon the new federal decrees were laid before the ministry of state, and were discussed in three sittings (October 5th and 27th, November 3rd).[1] There were stormy scenes; it was rumoured in Berlin that Humboldt had spoken of the Carlsbad decrees as "scandalous, un-German, an affront to a thinking nation." The lengthy draft-report which he laid before the ministry on October 5th showed no trace of such rash expressions. The considerations he brought forward dealt exclusively with the danger to Prussia's sovereignty. "We certainly do not fail to recognise the beneficial tie which unites Prussia to Germany, but the feeling that we belong to an independent monarchy, to one not incorporated in Germany, is ever predominant." The Carlsbad decrees gave the Bundestag the dangerous right of interfering in the internal affairs of the monarchy; Prussia, moreover, since everything was decided in accordance with the suggestions of Austria, "was numbered among the states whose condition was considered to be, as it were, a morbid one." Article 13 of the federal act did not apply to the Prussian state, for before that article existed the king had promised a constitution to the entire monarchy, not excepting the non-German provinces. The police reports upon the demagogues showed "that the number of these men is small and their position in civic life insignificant." With the support of such considerations Humboldt proposed that a demand should be made of the Bundestag for the promulgation of the Carlsbad decrees as extraordinary measures for two years; further, the minister for foreign affairs should be empowered to discuss with the appropriate ministers any federal decrees which concerned the internal affairs of Prussia.

The latter proposal seemed altogether superfluous, for the minister for foreign affairs already possessed the desired powers;

[1] Minutes of the sittings of the Ministry of State, October 5 and 27, November 3, 1819 (recorded by Humboldt).

but the former was as untactful as it was weak. For at the time when Humboldt presented his report the Bundestag had long since adopted the Carlsbad decrees, doing so with the king's express approval; and while the ministry was still discussing the matter, these decrees were formally promulgated in Prussia, once more upon the monarch's command. In accordance with the constitutional laws of the absolute monarchy, the ministry was faced with an accomplished fact; unless it were possible to persuade the king to abandon the Austrian policy (and Humboldt's involved phrases were certainly incompetent to secure this end) nothing could be done to alter what had happened. Although almost all the other ministers had serious objections to the Carlsbad decrees in respect alike of form and content, their general mood was one of hesitation, owing to the manifest impossibility that the struggle could lead to a favourable issue. Two only among them, Boyen and Beyme, supported Humboldt's proposals. In his Prussian pride, General Boyen had always remained unaffected by the illusions of peaceful dualism; his soldierly common sense was sickened by the obscure intrigues of the demagogue-hunters, whose suspicions embraced even Gneisenau, and Gröben, the Christian romanticist. Boyen had of late years given all his sympathies to liberalism, although in his own department he never carried out a single practical reform; and he had recently become closely associated with Humboldt.

Thus the struggles of political life suddenly brought together three men who in reality had very little in common. Beyme's old-fashioned and ineffective philanthropy was the precise converse of Humboldt's Hellenist outlook; nor did Boyen and Humboldt love one another, and while at the congress of Vienna they had fought a duel. Unfortunately both his new allies pursued their aims with just as little skill as Humboldt himself. The minister of war sent in an opinion full of ideas, pithily describing the natural contrast between Austria, the obstinately inert Catholic power, and Prussia, whose policy it was to strive ever freely upwards. It was Boyen's wish that as far as possible the relationship of Prussia to Austria should be restricted to a simple defensive alliance, although on account of the cumbrousness of the Austrian financial and military systems "we shall probably have to bear the first brunt of the campaign." He considered an increase of the federal authority undesirable so long as Prussia did not possess a

predominant influence at the Bundestag, and so long as the Federation did not guarantee for Prussia the safety of the latter's non-German provinces. Here was the candid confession of faith of a Frederician patriot, but his observations contributed nothing towards the decision of the question at issue. Beyme, too, started from the sovereignty of the crown of Prussia, and showed how from the outlook of international law the latest decrees had effected a profound change in the character of the Federation. Not one of the three ministers touched the kernel of the matter; not one of them declared in plain terms that the Carlsbad policy was the outcome of foolish anxiety, and that the strengthening of the federal authority was injurious only because it was intended to subjugate men's minds, instead of being effected for the increase of national power.

Bernstorff defended himself skilfully against Humboldt's masked attacks. He openly declared: "The whole of Germany is at one in recognising that the federal treaty was the issue of the pressure of the moment, that it was the unripe fruit of precipitate negotiations, and that it effected a very unsatisfactory compromise between conflicting views and interests." Such being the situation, the only course open was to lead on the incompetent Bundestag by means of a confidential understanding between the two great powers. If the Carlsbad decrees were justified (and even Humboldt had not ventured to dispute this in set terms), their efficiency must not be paralysed, and least of all must the king be led to contradict himself. All the other ministers declared themselves conditionally or unconditionally adverse to Humboldt's proposal, Altenstein expressing himself in a characteristic opinion which plainly disclosed the anger felt by the man of refined culture on account of the affront inflicted on the universities. "The only thing that I dread is general oppression," thus wrote the well-meaning man; "but if this oppression be not utterly annihilating it will, after all, do little harm. Science can bear it, and often can thrive under it like a palm tree."[1]

Meanwhile Bernstorff had left for the Vienna conferences. Without asking his opinion again, the ministry voted on the matter on November 3rd. Humboldt's report was rejected, but the ministers could not agree upon the formal approval

[1] Humboldt's Report, October 5. Opinion of Bernstorff, beginning of October; of Beyne, October 20; of Boyen, October 26; of Altenstein, November 3, 1819.

of the Carlsbad decrees. The deplorable spectacle of hopeless disharmony, which had now continued for months, found an appropriate close when the minutes of these three ministerial sittings were sent to the monarch, accompanied by a few opinions, but without any resolution or any report. Such a government could not endure, and a change which should restore energy and unity was indispensable.

Hardenberg recognised that he must bring matters to a crisis. To induce the king to take a resolute line he invoked the aid of Ancillon (November 11th), sending him the minutes of the ministry, and writing that, under the pretext of defending the sovereignty of the crown and the rights of its subjects, Humboldt's party was in reality taking the side of the revolutionaries, was endeavouring to undermine the principles of the country's foreign policy, and to overthrow the chancellor and Bernstorff. He had made up his mind not to stick at half measures, for, "if we hesitate we shall unquestionably rush upon destruction, dragging down with us Germany, and perhaps even Europe." But since he did not wish to sit as judge in his own cause, he begged Ancillon to give him "the opinion of an enlightened and unbiased patriot." Ancillon was to be an unbiased judge of Bernstorff! Hardenberg might just as well have asked Bernstorff himself. Ancillon's answer, sent four days later under the seal of profoundest secrecy, must have been read by the shrewd old chancellor with a mischievous smile. He knew its tenour in advance.

Bernstorff's mentor hardly troubled to maintain the mask of non-partisanship. He spoke in Bernstorff's name. "The count relies on the king's firmness and on your excellency's support. United these are invincible, and Germany's evil genius will be exorcised." The objections of the opposition, "which are at once a misfortune and a scandal," were regarded by Ancillon as so paltry that it was difficult to believe in the good faith of the three ministers. "In order to help on the cause of truth on its way to triumph," he had, "*con amore*" prepared a gigantic memorial, opening the flood-gates after his customary manner. The work, he said, "has grown under my pen." On three and thirty closely written folios he gave a terrible description of the spirit of instability which had transformed itself, first of all into the spirit of faction, and subsequently into the spirit of revolution. Fortunately Austria and Prussia had in good time seen through the sinister designs

of those who aimed at the institution of a great German federal republic. The Carlsbad decrees were equally wise whether regarded as permanent or as transitory measures. With these, Hardenberg closes, and Bernstorff opens, a great and glorious career.[1] Bishop Eylert also sent in an opinion couched in the same sense as that of Ancillon. The decision could no longer be postponed, for the foreign diplomats had already got wind of the dispute, and were sending in terrible reports of the revolutionary dangers which threatened the venerable chancellor.[2]

To complete the confusion, in two additional departments there now broke out quarrels which, though without political significance on their own account, reacted upon the ministerial crises. The unnatural subdivision of the ministry of justice into two sections had long given rise to deplorable friction. In the new provinces of the east, Kircheisen conducted the organisation of the courts wholly in the spirit of a conversative jurist of the old school, but did his work with ability and success. Beyme, on the other hand, took an unfavourable view of all his colleague's suggestions. Regarding the institutions of Rhenish law as ideally satisfactory, he endeavoured to introduce some of these into the eastern provinces. Moreover, he had just asked the Rhenish public prosecutors for their opinion whether Görres's latest writing was liable to prosetion, and had endorsed their negative response. Weary of the unending disputes, Kircheisen now (November 27th) applied to the king to ask whether Beyme exercised any control over the affairs of Old Prussian legal administration. Were this the case, he said, he must ask to be allowed to resign.[3]

The war minister, too, no longer felt secure in his post. The king had now determined to carry out that military plan which he had been meditating for years. It was his wish to associate the Landwehr more intimately with the army of the line, giving the Landwehr in time of peace the form it was destined to assume in time of war. Boyen, however, could not reconcile himself to the well-planned and altogether innocuous proposal,

[1] Hardenberg to Ancillon, November 11. Ancillon's Reply, November 15, 1819; with Appendix, Considérations sur les derniers décrets de la Diète.

[2] Report of the Swedish envoy von Taube to Count Engeström in Stockholm, Berlin, November 9, 1819.

[3] Kircheisen's Report to the king, November 27, 1819.

considering that if carried into effect it would lead to the destruction of "the very spirit which makes the Landwehr." Greatly exercised in mind by the struggles in the ministry of state and embittered on account of the evil arts of the demagogue-hunters, he began to give credence to the sinister rumours that a Landwehr revolt was imminent. In the diplomatic corps, belief was general that the court of Vienna was engaged in secret machinations against the detested democratic troops ; [1] and it is probable that Duke Charles of Mecklenburg, with his supporters, also made use of this favourable moment when reaction was in flood to enforce his old objections to the Landwehr system. On the other hand, the partisan phrases of liberalism had contributed to render difficult a purely objective consideration of the problems of military organisation. Unquestionably a bold democratic idea underlay the Prussian army law ; a nation with such a military system could not be ruled in definite opposition to its own will, nor would it be possible that direct participation in legislation and administration should be permanently denied it. But what a caricature, what a distortion of these truths was displayed in the foolish newspaper articles which extolled the national army of the Landwehr as a bulwark against the hireling spirit of the officers of the line. The well-meant writing by Captain von Schmeling, *The Landwehr and the Gymnastic Art,* declared that the circle committees which dealt with the work of enrolment provided the first germ of the Prussian constitution, this assertion leading von Schmeling's opponents to enquire with indignation whether a great state could be governed by means of a hundred petty circle parliaments.

The king was uninfluenced by such aberrations of party spirit. He considered the Landwehr indispensable to the safety of the state, aiming only to increase its warlike efficiency and at the same time to diminish military expenditure in time of peace. But in these sultry times distrust was in the air. The Austrian party had long regarded the minister of war with suspicion ; now Boyen himself became a prey to baseless fears. The organiser of the Prussian national army dreaded lest the reorganisation of the Landwehr should lead to the destruction of his great work, and in a rage sent in his resignation. It was in vain that in a kindly worded despatch (December 9th)

[1] Report of the Badenese envoy, General von Stockhorn, Berlin, December 21, 1819.

the king urged him to reconsider his decision. Boyen, as he declared to Hardenberg (December 13th), desired "to escape from circumstances in which I might at times find it difficult to harmonise my principles with changing events"; and as a parting word to the chancellor implored him to proceed with the utmost possible caution with alterations in the Landwehr organisation, "because the proposed changes are of the greatest importance in relation to the peculiar situation of our state, in relation to the prosperity of our industry, and for the maintenance of a good understanding with the civil authorities; and because they affect above all the ministry of the interior." [1]

As soon as Boyen abandoned hope, his friend Grolman also gave free rein to his long repressed discontent. During his brief period of office, the chief of the general staff had displayed a fine activity. He had elaborated the proposal for the fortification of the eastern provinces; in co-operation with Crelle, surveyor of public works, he had drawn up a plan for the construction of main roads throughout the monarchy; he had begun the trigonometrical survey of the country; and he had given his own department, which still formed a subsection of the ministry of war, so notable a sphere of independent activity that the complete separation of the general staff from the ministry of war could now be no more than a question of time. Amid these manifold labours, he had followed the course of politics with all the zeal of his passionate nature. Throughout life this talented man held rigidly to his principles; neither in 1814 nor in 1815 would he visit the French Babylon which he had helped to subdue with his own good sword. Thus it was that even after the peace he remained faithful to the idealistic emotion of the wars of liberation, and was quite unable to understand the relaxation which affects ordinary men when the time of struggle is over. To him it seemed that the age was exhausted, petty, contemptible; and when Boyen resigned, he also declared to the king (December 17th), "In view of existing circumstances and of the distressing years I have lived through since 1815 I am compelled to resign." The blunt, almost defiant, tenour of this despatch could not fail to annoy the king. At first he had taken Boyen's resignation in good part, but now he inferred

[1] Boyen to Hardenberg, December 13, 1819. Cf. the documents concerning Boyen's resignation published in the *Militar Wochenblatt*, 1892, No. 79.

that the two friends were acting in collusion, and accepted the resignations with manifest displeasure. He did, indeed, vouchsafe the minister of war a word of recognition for past services, but from General Grolman he did not conceal that he found it difficult to understand to what Grolman referred, in speaking of "the distressing years lived through since 1815."[1]

What a disaster that two of the most faithful and far-sighted of the king's servants should thus withdraw to sulk in their tents at the very moment when it was indispensable that all good men should stand shoulder to shoulder. The court of Vienna jubilantly hailed "this new triumph of ths good cause," for at the Hofburg Boyen's Frederician sentiments had always been in bad odour.[2] In the army the great loss was generally regretted. Klausewitz considered it expedient to write a memorial expounding the political necessity of the Landwehr system. He showed how slight in Germany was the danger of a revolution, but how considerable the possibility of a hostile attack from two sides, and said plainly that sooner or later the crown, if it wished to maintain the new army organisation, would have to summon to its aid representatives of the nation. He expressly warned the men of 1806 "against ruining an edifice upon which our magnificent destiny in the years '13, '14, and '15 stood, as a goddess of victory stands upon her war-chariot."

The next few days were to show that all such anxieties were needless, and that the action of the two generals had been premature. In a cabinet order of December 22nd the king recognised in cordial phrases how happily the Landwehr had thriven up to this time, how willingly the nation had borne the sacrifices imposed upon it; and he went on to command a new classification of the Landwehr, which was "not to involve the slightest alteration in the nature of the institution"; sixteen Landwehr brigades were formed, and were incorporated in the divisional structure of the line. Henceforward the division (the old mixed brigades had received this name since 1818) was to comprise, in addition to the technical troops, one brigade of infantry of the line, one brigade of Landwehr

[1] Witzleben to Hardenberg, December 18; Grolman's Request to the king, December 17; Cabinet Order to Grolman, December 20, to Boyen, December 25; Boyen to Hardenberg, December 17 and 27; Hardenberg to Boyen, December 25, 1819.

[2] Bernstorff to Hardenberg, Vienna, December 25, 1819.

infantry, and one cavalry brigade. Thus was effected the organisation of the Landwehr which persisted in essentials until the days of the regency. The two halves of the army now became somewhat more closely associated, though not as yet intimately enough; it was hoped that by the common manœuvres of the divisions the difference between the two branches would be to some extent diminished. The hazy belief that the Landwehr might pursue an independent existence was abandoned—at any rate in principle. By this cabinet order the strength of the peace effectives was legally established, and in view of the rapid increase in population there was a prospect that the military burden would gradually diminish. As a whole the reform was a valuable one, for the Landwehr could now be led to war without any important changes in its formation. Unfortunately, economic considerations prevented any far-reaching changes. The most dangerous defect of the new military system, the weakness of the army of the line (which numbered no more than 136,000 men) was left unremedied. The universal demand was for economy; the national debt must be paid off at once, and there must no longer be a deficit.

For this system of timid and rigid penuriousness Boyen's successor, General von Hake, was well suited. Twice before, in Scharnhorst's days, Hake had for brief periods been in charge of military administration. He was a diligent and conscientious worker, but pedantic, narrow-minded, a man without ideas, without enthusiasm. During his tenure of office the views of the civil officialdom reacquired that excessive influence upon the military system they had had during the first years of the reign of Frederick William III. Many unquestionable defects continued unrelieved because all monetary expenditure was shunned, but fortunately the king made the army his own immediate concern, and kept the soldierly spirit alive by his personal intervention. The talented initiator of the army law was succeeded by an ordinary military routinist, and it was not surprising that the mass of the uninformed conceived a false notion of the reasons for this change, and lent ear to the most sinister rumours. Years passed before it was generally recognised that on this occasion General Boyen had been mistaken and had opposed an indispensable reform.

The resignation of the minister of war set the ball rolling,

for naturally the proceedings in the ministerial council had not been without influence upon Boyen's decision. Hardenberg regarded the general's fall as the first defeat sustained by the opposition.[1] Armed with Ancillon's "unbiased opinion," he had immediately demanded the dismissal of the three ministers, and since the king, still hoping for a reconciliation, postponed his decision regarding Humboldt and Beyme, on December 28th the chancellor formally mooted the cabinet question. It was time, for meanwhile Humboldt and Beyme had advanced a step further. In the ministry of state, without the previous knowledge of the chancellor, they had secured the passing of a resolution by which all the lord-lieutenants should immediately be summoned to Berlin. Should this be done it could be foreseen with certainty that the chiefs of the provincial administration, led by the ever-dissatisfied Schön, would, just as they had done two years before,[2] lay before the throne a mass of grievances, justified and unjustified. At this moment such an opposition would have been a positive danger to the state. A valuable but extremely unpopular reform was imminent, and it was one which could be successfully carried into effect by a vigorous and united government alone. The last great work of Hardenberg, the laws concerning the new taxes and the closing of the national debt account, was within the next few days to be completed by the council of state. It was impossible that the experienced helmsman should allow the high officialdom to disturb him in setting his course amid the storms of general indignation that were likely to break out when the new taxes were announced. In both his ministerial reports Humboldt had declared that he still found it impossible to believe in the existence of a deficit, and that he therefore regarded the new taxes as superfluous. Utterly erroneous, and even incomprehensible as this view was, it was shared by a large proportion of the critically minded higher officials (for, in accordance with the good Old Prussian tradition, the heads of the officialdom considered themselves foreordained to protect the people from fiscal oppression). Was it possible for the chancellor to tolerate as one of his nearest subordinates a minister who held such views concerning the most vital problem of the immediate future?

The discontent of the three ministers in the matter of the

[1] Hardenberg's Memorandum, Christmas, 1819. See Appendix XI.

[2] Vide supra, vol. II, pp. 469, 470.

Carlsbad decrees was well founded; but Hardenberg, none the less, was in a posture of legitimate self-defence. He was not fighting simply for the retention of his own power, but on behalf of well-considered reforms by which alone could be furnished a substitute for the abolished excise, and by which alone could be restored the balance between national income and national expenditure. Thus it was not solely on personal grounds that he now made urgent representations to the king that further co-operation with Humboldt and Beyme was impossible. He used a number of acrimonious expressions; recalled the manner in which Beyme had espoused the cause of Görres; declared that he had definite information of Humboldt's intention to oppose the tax laws in the council of state, designing then "to leave the service refulgent with a popularity acquired at such a cost"; and did not hesitate to inform the king of the contemplated summoning of the lord-lieutenants. More firmly than ever before did he believe in the dangerous intrigues of the revolutionary party. He desired to dismiss the lord-lieutenant of Silesia because it seemed to him that Merckel was too lenient in his treatment of the gymnasts; the military educational institutions must have a new director to safeguard the young officers against the influence of the Teutonising Jacobins.[1] So extraordinarily complicated had become the posture of affairs that the reordering of Prussian finance was at this moment inseparably connected with the policy of the Carlsbad decrees.

Even had the king been less firmly convinced that this policy was essential, he no longer had any choice open. Was it possible for Frederick William to follow Humboldt's advice, and to propose in Frankfort that the term of application of the provisional press law should be reduced from five years to two? Was he, for the sake of so futile a half-measure, to change the basis of his European policy? In these days of legitimism, the system of European alliances was inseparably connected with the internal affairs of the states, and it was impossible for a great power to follow the example of the pseudo-states of the Confederation of the Rhine, and to play a dishonourable game between its own people and foreign powers. A belated attack upon the Carlsbad decrees would involve a separation from Austria, and the dissolution, or at least the enfeeblement, of that great Quadruple Alliance to

[1] Hardenberg to the king, December 28, 1819.

which during recent years the monarchy had owed its security and its European prestige. Thus detached from its old allies, the state would be completely isolated; from the liberalising particularism of the German petty states it would receive neither a powerful nor a loyal support, and would perhaps be forced before long to make common cause with France; it would at any rate be compelled to arm, and to keep ever on the watch. Hence Prussia would have to abandon that policy of economy, of quiet collection of energies, by which alone her restoration could be brought about, and would be forced to hold herself in readiness to effect a premature solution of the great problem which power was to dominate German political life. Was the long-planned re-establishment of order in the finances to be once again postponed, at the dictates of an opposition which simply denied the existing necessities and which had hitherto contented itself with sterile refusals?

The king did nothing but what was essential when on December 31st, in very brief words, he relieved the two ministers of their duties in the council of state and the ministry of state. Schuckmann and Kircheisen once again received the undivided leadership of the ministry of the interior and the ministry of justice respectively. At the same time General Pirch was appointed director of military educational institutions.[1] Beyme was painfully surprised, and obeyed "with a lacerated heart." Humboldt accepted the blow with his customary philosophic calm; and since he had received a special bounty after the war, he renounced his retiring pension, an action which was thankfully noted by the king. In laying down his office he wrote to the monarch that he did so "inspired with the consciousness that he had had the king's weal and that of the state ever before his eyes."[2] Unquestionably this man who cared so little for political influence and political fame did not deserve the reproach made by Hardenberg and Gneisenau that his conduct had been dictated solely by personal ambition. He regarded the chancellor's power as disastrous, and he recognised the errors of the Carlsbad policy; but in this struggle he did not display simplicity, greatness, and resolution.

Hardenberg rejoiced at having won the game. Humboldt's

[1] Three Cabinet Orders, dated December 31, 1819, to the ministry of state, to Beyme, and to Humboldt.

[2] Beyme to the king, January 1; Humboldt to the king, January 1; Cabinet Order to Humboldt, January 6, 1820.

arrogance had led him to aspire to the chancellorship, and his overweening ambition had led to his fall—it was in this manner that the changes in the ministry were represented to the foreign diplomats. The way seemed clear. The chancellor at once submitted his tax proposals to the king, and after the first audience he wrote proudly in his diary, *Nascitur novus ordo.*[1] If the finances could only be set in order, the most serious objection to the constitution would be removed, and Hardenberg determined on a course which was unparalleled in Prussian history, the opening of a central representative assembly for Prussia. The far-reaching character of the old man's plans was astonishing. Yet his delight in victory was premature. With the fall of the three ministers, the constituent committee lost its best talents, and the ministerial council was deprived of the only members who seriously desired that the constitution should come into existence. In this confused struggle the victor was not Hardenberg, but Wittgenstein, who had throughout been collaborating in the background—and behind Wittgenstein stood Metternich. Before long, the Austrian party, to whose assistance the chancellor had appealed in order to get rid of his rivals, turned against Hardenberg himself in order to destroy the design for a constitution, which now had no other supporter at the court.

§ 3. THE FIRST PRUSSIAN CUSTOMS-CONVENTION.

The entire historical process arises out of the continuous action and reaction between the conscious human will and environing circumstances. Just as the reason immanent in things can be realised only through the voluntary energy of a great man, of one who understands the signs of the times, so also the sins and errors of politicians are limited by the character of the states and by the power of the ideas which have come into existence in the course of history. Great was the error of the crown of Prussia when in Carlsbad it set itself in opposition to the living forces of the new century; and yet this state was modern from the foundation upwards, was unable to estrange itself completely from the new time, and at this very moment began a fiscal reform by which it was enabled in respect of economic development to outsoar all

[1] Stockhorn's Report, February 19; Bernstorff to Hardenberg, Vienna, January 12; Hardenberg's Diary, January 10, 1820.

the other states of Germany. In Teplitz, Hardenberg had been completely dominated by his belief in the absolute community of interests of the two German great powers, and had complied with Austria's wishes to the point of unselfishness. Nevertheless the opposition between the two powers was grounded upon their ancient history; and the individual human will could not do away with that opposition, so long as the problem which power was to dominate German political life remained unsolved. Almost at the very moment in which the court of Berlin seemed wholly submissive to Austrian leadership, it made a fresh advance along the lines of the Frederician policy, and began to form a customs-union with the neighbouring German states. The first step was a trifling one, almost ludicrously trifling when judged by latter-day standards, but it was the inconspicuous beginning of a policy which was to bind the German states indissolubly to Prussia in the bonds of economic interest and which was to prepare the way for the liberation from Austria.

Since the Prussian customs-law had come into operation, making itself felt at the outset by Germany's smaller neighbours only through its severities, there had everywhere been voiced with renewed strength the demand for the abolition of all internal tolls, this being the commencement of a passionate agitation for German commercial unity, the precursor and prototype of the subsequent struggles on behalf of political unity. The entire nation seemed united in a single great idea; nevertheless, views as to ways and means were widely divergent, and the only exit, an adhesion to the existing unity of the Prussian market, was for long shunned in unfortunate blindness, until at length its adoption was enforced by bitter need alone.

Soon after the peace there began a stream of immigration into impoverished Prussia, the number of immigrants being about one-half of the excess of births over deaths; the great majority of them were young persons from the neighbouring German countries, coming to seek their fortune in the land of social freedom. When the internal tolls were now abolished in the monarchy, in the towns near the frontier, at least, the advantages which the Prussian man of business secured from his widely extended free market were plainly manifest. Thus some of the wine merchants of Bingen moved over to the Prussian bank of the Nahe, for prices in Prussia were often three times as high as those prevailing in the overstocked

Hessian market. The officialdom of the minor courts was still accustomed to the guild system, to the difficulties imposed upon settlement and upon marriage, to the thousand annoyances characteristic of petty social legislation; here, as yet no one had any idea of the superiority of Prussian commercial policy. To many well-meaning officials in Saxony and Thuringia, the Prussian tax laws seemed needless fiscal severities, for their own countries had a trifling military expenditure, and were therefore able to get along with an extremely modest income. The consequence was that along the home frontiers of Prussia, under the protection of the petty courts, there ensued a war of all against all, a disastrous state of affairs which to-day we find it difficult to conceive. People became brutalised by the evil trade of smuggling. To the duty-free bonded warehouses which were found everywhere adjacent to Prussian territory, there came every day a number of sturdy bronzed fellows, their coats worn shiny from carrying burdens, many of them with a sheath-knife in the belt; they shouldered the heavy bales of goods, a princely custom-house officer accompanied them as far as the frontier, and dismissed them with a "God speed" upon their crooked path. The common people could never hear enough about the wild adventures of bold smugglers, of which the present generation knows only through old-fashioned romances and tales for boys. Thus our loyal populace became accustomed to regard the laws with contempt. The disorderly and revolutionary spirit which gradually gained the upper hand in the petty states was in truth actually nurtured by the minor courts, nurtured by the sins of the demagogue-hunt and by the criminal folly of this commercial policy.

Yet it was not the petty states which favoured smuggling that were generally blamed for these disastrous consequences, but Prussia, which earnestly endeavoured to put a stop to smuggling; not the courts which obstinately adhered to their dishonest fiscal dodges, their antiquated and unpractical customs-ordinances, but Prussia, the state which had reorganised and transformed its fiscal system. Incapable of understanding the vital conditions of a great nation, the minor courts seriously demanded that Prussia should immediately reverse the step taken after such mature consideration, should annul the reform whose influence was making itself felt throughout all ramifications of the national life; they demanded that this reversal should be effected before the new system had been given a

fair trial—and half Germany agreed with the preposterous suggestion.

Outside the circle of the Prussian officials, there were, during these first years, no more than two writers of note who ventured unreservedly to defend Maassen's work. The indefatigable Benzenberg, in his book, *Concerning Prussia's Monetary Economy and new Fiscal System*, once again displayed his practical abilities. In his association with Hardenberg, he had learned to regard economic problems with the eye of a statesman. He knew that all serious criticism of a fiscal system must begin with the question, "What items of national expenditure are absolutely essential?"—a question utterly ignored by most of the publicists of that day. He was thus able to demonstrate that Prussia could not dispense with the income from her customs. He did not hesitate to praise the army law and the new tax laws as the greatest benefits of the most recent years of the reign of Frederick William III. He insisted that they must be maintained against all possible resistance, and demanded of the neighbour states that they should accept the king's invitation, and should negotiate with Prussia concerning the mutual abolition of customs-dues. He vigorously attacked the fantasy of federal customs. In August, 1819, he sent an open letter to F. List, asking how it was possible for the Bundestag, "which has no kind of legislative powers," to bring about any such reform, or how it could even conduct the customs-administrations. Was the abolition of internal tolls possible without a proportionate taxation of internal consumption? The sober-minded man's voice could not be heard amid the general clamour; besides, he had long been an object of suspicion to the liberals because he had an unprejudiced admiration for the peculiar merits of the Prussian state.

As early as January, 1819, E. W. Arnoldi of Gotha, one of the most efficient of German merchants, hailed the Prussian customs-law as the foundation of a union of all the German states. "Let us," he wrote in the *Allgemeine Anzeiger*, "cordially accept the hand now held out to us; Prussia places the principle of mutuality in the forefront of her law, declaring herself prepared to effect agreements with her neighbours." At an earlier date, in Hamburg, this excellent man had sat at the feet of Büsch, and had gained a free outlook upon world commerce such as was still quite foreign to the inland pettiness of the majority of his commercial associates. He was

profoundly distressed on account of the childish immaturity of the business world, which did practically nothing to shake off the yoke of an absurd system of commercial legislation. For years past he had entertained the idea of a league of German manufacturers to represent their common interests. Then, in his native town, he founded a chamber of commerce under the name of Corporation Hall (*Innungshalle*), and founded also a commercial school which speedily attained success. Finally he discovered a wide domain of fruitful activity in the field of insurance, which was still completely in foreign hands. The great Phœnix Assurance Company of London had agencies in all the larger German towns, making excessive profits out of the Germans by immoderately high premiums, for the small native insurance companies which were to be found in isolated towns of the north did not extend their activities beyond the place of origin. But in 1819 Arnoldi asked the German nation how long it was prepared to go on providing money for English money boxes, and proposed the formation of a mutual fire insurance bank for the whole of Germany. Two years later this institution came to life in Gotha, the first beginning of the extensive development of our national system of insurance. The general hatred of England's commercial supremacy redounded to the advantage of Arnoldi's bold enterprise. Throughout the interior of Germany, abuse was showered on England and the Hansa towns (for to the South Germans these towns seemed no better than English counting-houses); the reawakening of the Napoleonic cult and the French sympathies of the southern liberals were favoured by this mood. It is true that but little thought had as yet been devoted to the question how German industry could be protected against excessive foreign competition. This much only seemed indubitable, that all the recently introduced new tolls ought immediately to be abolished, and that the freedom of commercial intercourse promised in article 19 of the federal act must be secured by the Bundestag.

Even Friedrich List, the generous-minded and talented agitator who inveighed against the internal tolls with all the energy of his impetuous nature, shared the general error. Just as Görres, in the *Rheinische Merkur*, had formerly advanced the idea of the political power and unity of the fatherland, so did List now advocate the commercial unity of Germany —a man of kindred spirit, ardent, brilliant, a master of forceful

speech, filled with profound and genuine passion, prone to fantastic aberrations. A true imperial townsman, he had grown up in Reutlingen, a city proud of its freedom, and had been engaged in unceasing disputes with the Würtemberg scriveners; he was one of those born fighters for whom destiny seems ever to provide new quarrels, even when these are unsought. He lost his mother and his only brother in consequence of the roughness of brutal officials; and after he had subsequently passed some years amid the soul-destroying pseudo-activities of the Würtemberg scriveners' offices, his detestation of the autocratic spirit of the Rhenish Confederate officialdom became limitless, and he made it the aim of his life to awaken a spirit of independence in burgher and in peasant, to enlighten them regarding their nearest interests, to liberate political economy from the formulas of the professorial chair, and to expound it in popular language. By birth simply a German, just as was the imperial knight Stein, his bold plans from the first transcended the limits of his Swabian home, and for this reason to the interrelated and interconnected Würtembergers he soon became suspect as a foreign disturber of the peace. In his view, a new epoch of commercial and political greatness, more enduring than the glories of the Hanseatic league, was to dawn for the German fatherland. He possessed a rare power of inspiring the masses with enthusiasm, an agitator's talent such as in our history, so poor in great demagogues, has been possessed by only two other men, Robert Blum and Lassalle. In April, 1819, in conjunction with several manufacturers belonging to the minor states, Miller of Immenstadt, Schnell of Nüremberg, and E. Weber of Gera, List founded the Union of German Merchants and Manufacturers, which was soon joined by the majority of the great firms of South and Central Germany. Since the Würtemberg government regarded the position of consulting adviser to the Union as incompatible with official dignity, List quickly made up his mind, and resigned his position as professor at Tübingen.

The new Commercial Union immediately sent the Bundestag a petition for the carrying out of article 19, for the abolition of all internal tolls, and for the passing of a German customs-law, which should counter the tariffs of foreign countries by the imposition of severe retaliatory duties, until the whole of Europe should come to an agreement to establish general freedom of trade—for List, like most South Germans of that day,

adhered on principle to the doctrine of free trade. Repulsed in Frankfort, List then besieged the courts, the men of business, and everyone else he could think of, with his demands, and in his journal, the "Organ of German Merchants and Manufacturers" (*Organ des deutschen Handels- und Gewerbstandes*), he unweariedly and pitilessly laid bare the errors of German commercial policy. Thus by his unresting activities he did more than any of his contemporaries to secure the permeation of the nation with a conviction that the existing state of affairs was untenable. Great and bold dreams, which only our own generation sees in course of fulfilment, coursed through his mobile intelligence: he thought of a unified system of industrial legislation, of a German postal system, of national exhibitions; he hoped that the romantic imperial dreams of the younger generation would be expelled by the work of a practical national policy; and he foresaw the time when a free constitution, a German parliament, would be the outcome of commercial unity. In excess of self-satisfaction he spoke of himself as the creator of the customs-union, but no unprejudiced person can admit that List was justified in this claim.

It was not the way of the patriots of that time to expound and to adhere to a definite programme, a clearly elaborated political idea. Only in the interior of the South German middle-sized states did the constitutional movement now begin to evoke consistent and definitely expressed party opinions. Those who wrote about Germany as a whole, were still satisfied with exhibiting a brilliant ideal image to contrast with the wretched present, going on to produce a rapid succession of impressions and hints for practical statesmen. Just as Görres innocently published in the *Rheinische Merkur* a whole squadron of plans for a German constitution, so did List pass by leaps from one design to another. Now he desired that the German internal tolls should be farmed out to a joint-stock company; now Germany was to adhere to the Austrian prohibitive system; now again it occurred to him that Prussia might lead the way to unity. In his petition to the Bundestag he declared: "We are involuntarily led to the idea that the liberal government of Prussia (a country which, owing to its territorial situation, must more than all others desire freedom of trade) cherishes the great design of inducing, by means of this customs-system, the other states of Germany to come to terms in the end for the institution of complete free trade. This idea becomes tantamount to certainty when

we take into account the declaration of the Prussian government that it desires to conclude special commercial treaties with neighbouring states." Unfortunately the passionate man was unable to hold fast to this simple and accurate view. In so far as amid his unstable activities it is possible to recognise a single dominant tendency, he was an opponent of Prussian commercial policy. After all divagations, he returned again and again to the idea which Prussia had long before abandoned as unattainable, the idea of a federal customs-system. List's knowledge of Prussian affairs was extremely defective; his Commercial Union was held together by the hope that the Prussian customs-law would speedily be repealed; it maintained correspondents in all the larger German states, with the characteristic exception of Prussia.

Nothing but the charm which adhered to the name of "Germany" can explain why so many excellent and perspicacious men continued to hope for a commercial policy instituted by the Germanic Federation. The Bundestag had done everything it could to disillusion enthusiasts. The report upon List's petition was entrusted to Martens, the Hanoverian, a man who like most other "German Great-Britons" was delighted with the existence of English commercial supremacy upon German soil. With the zealous and yet timid spirit of the politician whose outlook is that of a policeman, he began by asking what right this Union had to pose as representative of the German commercial classes, and suggested that the high governments would do well to keep a watchful eye upon their subjects. To the immediate question he contributed little more than a drastic description of the enormous difficulties which had been placed in the way of commercial unity now that the German states had become sovereign powers (May 24th). Some of the federal envoys desired that a special committee should at least be appointed; but if this were done, the petitioners might imagine that the step had been taken at their instigation![1] To avert so criminal a misinterpretation, the federal assembly went no further than to decide that it would occupy itself with article 19 at some subsequent date. Some weeks afterwards (July 22nd) the Ernestine courts once again reminded the Bundestag of the unhappy article; List's friend, E. Weber, and the manufacturers of the Thuringian forest, would not give the assembly any peace. On this occasion, Baden, Würtemberg, the two Hesses, and the Ernestines, delivered orations in praise of freedom of trade in Germany. They were

[1] Berkheim's Report, Frankfort, June 25, 1819.

well-intentioned, cost nothing, and inspired the assembly with such enthusiasm that it actually determined to appoint a special committee after the recess, in 1820. Such was the assistance which German commerce could expect from Frankfort. The Prussian envoy rightly regarded it as incredible that this assembly should even conceive itself capable of undertaking so difficult a task.[1]

Notwithstanding these experiences, many years were still to elapse before it was generally recognised to be impossible to carry out the empty promises of article 19. The Badenese government, in especial, obstinately adhered to the fantasy of a federal customs-system. Its long and narrow territory, one in which transit trade was considerable, suffered with especial severity from the distresses of internal tolls, and Berstett, the Badenese minister of state, noted with considerable anxiety the growing embitterment of the people. This man of limited views hoped that the economic prosperity of the nation might atone for its scandalous disintegration, might afford "material compensation for the loss of many ideas which, though chimerical, are regarded with affection." For this reason he recommended to the Carlsbad conferences, in a lengthy memorial (August 15th), that a federal customs-system should be introduced, securing free trade for a population of thirty millions; but the thoroughly confused document, full of contradictions, made no attempt whatever to deal with the great question, how it would be possible to include Hanover, Holstein, Luxemburg, and German Austria, in a national customs-system. Metternich was disagreeably surprised by the proposal, one to which it was simply impossible for Austria to consent, and he went so far as to question the competence of the Federation in this matter. "Commerce," he contended, "its extension and its restriction, are within the first attributes of sovereignty." According to the Austrian doctrine, the Federation was unquestionably competent to maltreat the universities, although the federal act said not a word about the matter; on the other hand, freedom of trade, which was expressly foreshadowed in the federal convention, would infringe the sovereignty of the federal states. It would hardly have been possible to give a more forcible indication of the Hofburg's attitude towards the vital problems of the German nation. At length, however, after repeated pressure from Baden and Würtemberg, the Austrian statesman agreed that the customs question should appear

[1] Goltz's Report, July 20, 1819.

upon the agenda of the forthcoming Vienna conferences. He knew very well what was likely to be the outcome of such discussions.

Meanwhile the ablest among the Badenese financiers, Nebenius, had expounded in a brilliant memorial his ideas concerning the conditions of German free trade. This work was privately undertaken, and never exercised any influence, even indirectly, upon the development of the customs-union, but in clarity and definiteness it excelled all that had hitherto been written by private individuals concerning German commercial policy. The learned compiler of the Badenese constitution acquired in these years, by his work on economic conditions in Great Britain,[1] a scientific repute which was subsequently increased by the appearance of his book *Public Credit.* This last is a classical work which can never pass completely out of date; like Ricardo's books it will always remain invaluable to students of political economy as a school of strictly methodical thought His memorial on the German customs-system, compiled in January, 1819, also displays throughout the secure vision of the trained expert. In April, 1819, it was confidentially communicated to the members of the Badenese Landtag, and in the following winter was submitted to the Vienna conferences by Berstett as a noteworthy private opinion. Maassen, Klewitz, and the other authors of the Prussian customs-law had, indeed, nothing to learn from the counsels of the Badenese statesman. For them what was true in his memorial was not new, and what was new was not true.

In the cautious phraseology beloved of Nebenius, the memorial took a decisive line against the Prussian customs-law, bringing the evils of this system into strong relief, and failing to recognise its advantages. The proposition was defended, "No German state, Austria excepted, can effectively protect its domain against foreign competition"—an opinion which Prussia's statesmen were just beginning to refute by practical demonstration. The authors of the law of May 26th started from the needs of the Prussian economy, whereas Nebenius opened with the consideration of the distresses of German commerce. Consequently the former regarded the matter chiefly from the financial outlook, while the latter concerned himself with politico-economical aspects. Thus Prussian statesmen desired a gradual expansion of the

[1] Bemerkungen über den Zustand Grossbritanniens in Staatswirtschaftlicher Hinsicht, Carlsruhe, 1818.

Prussian customs-system, subject to the conditions imposed by the interests of Prussian finances. Nebenius, on the other hand, in accordance with the general opinion of the age, demanded a system of German federal customs, a customs administration subject to the Bundestag. The policy he advocated was the precise opposite of that which was brought into being by the actual customs-union; it was plain that the first step along the path indicated by Nebenius must lead to the repeal of the Prussian customs-law; and must therefore annihilate the very foundation of the subsequent customs-union. The struggle of those days in matters of commercial policy centred in the single question whether the Prussian customs-law was or was not to be maintained. In this dispute, Nebenius took the wrong side. His memorial contested the leading political idea of Prussian commercial policy, and anyone who wishes to regard it as the pioneer work which led to the formation of the customs-union must, by the same token, describe Great Germans and Little Germans as persons of identical views. Obviously both parties were aiming at German unity, unfortunately by divergent routes.

The statesmanlike sense of the talented Badenese was by no means equal to his economic insight. Though he doubted whether Austria could enter the customs-union, he did not attain to definite conclusions upon this matter. As late as 1835, he regarded Austria's accession as possible; should this take place, the customs-union "would constitute the finest of all possible markets." The weighty political reasons which made such an idea unacceptable to Prussia never became clear to him. Just as little could he understand why Prussia, as a European power, was forced to maintain the unconditional independence of her customs administration. He demanded that the customs administration should be centralised under the control of the Federation, that the customs-officials should be sworn in to the Federation alone. Even in the discussion of subsidiary questions he was not always able to look beyond the narrow circle of vision of his native petty state. With few exceptions he desired that the dues should be levied at the frontiers alone, because, in the view of the Badenese officialdom, this arrangement would bring special advantages to the frontierland of Baden. Maassen, on the other hand, had bonded warehouses and customs-houses instituted in all the larger Prussian towns, for a lively forwarding trade was obviously impossible without such facilities.

Side by side with these errors, the memorial does indeed

display a number of well thought-out and practically useful proposals, but there is not one of these with which the Prussian cabinet was not already familiar, not one which it had not already put into application. Nebenius very clearly developed the proposition that freedom of trade is impossible without a customs-union. This idea, which to us to-day seems trivial and self-evident, was completely new to the diplomacy of the petty states of those days. But the fact was well known to the statesmen of Berlin, for Prussia had offered free trade to those states alone which had been willing to enter the Prussian customs-system. Equally well thought-out were the principles of the tariff proposed by Nebenius. He desired to impose moderate dues upon articles in general use and upon colonial produce; the raw materials necessary for domestic manufacture were to be duty-free; manufactured articles were to be protected by dues which approximately corresponded to the customary premium upon smuggling; hostile action on the part of foreign countries was to be countered by retaliatory tariffs. Such ideas were unquestionably excellent, but, at the very time when Nebenius wrote, the Prussian tariff was published, and it was guided throughout by these same principles. Independent consideration had led the South German economist to the same ideas which Eichhorn had frequently indicated as the corner stone of the Prussian system, namely, freedom, reciprocity, and no prohibitions. Was it not a striking indication of the general obscurity of thought characteristic of those days that a man of such astuteness should approximate so closely to the ideas of the Prussian customs-system, and yet should never propound the question whether the structure of German commercial unity ought not to be erected upon the solid foundation of this system. Nebenius also advanced the principle that the distribution of the revenue derived from the customs should be proportionate to population. But at the time when his memorial became known in Berlin, Prussia had already incorporated this momentous idea in a treaty. Nebenius went on to show that customs unity is impossible unless internal consumption is taxed on like principles; until this end is secured, we must be satisfied with provisional taxes. This view also had long prevailed in Berlin; it was precisely because Eichhorn and Maassen were familiar with the wide differences in the fiscal systems of the neighbour states that they had no desire to suggest a premature unification. They knew just as well as Nebenius that it would suffice to conclude a

customs-treaty for a few years ; like him they confidently hoped that the immeasurable blessings of freedom of trade would prevent the dissolution of a customs-union once it had been formed.

When the ordinary German biographer has not much to say about the character of his hero, he is accustomed to extol the man's unpretentious modesty. This phrase has become an accepted part of the ceremonial of the historic art ; it recurs as irresistibly as the graceful declaration that every great plebeian who has risen to fame sprang from parents who were honest though poor. Nebenius, too, has been freely besprinkled with such commendations. Those who had to deal with him upon affairs of state took a very different view, for in the diplomatic world Nebenius was generally regarded as a person of high intelligence but as an extremely disagreeable negotiator. He was numbered among those men of a quietly learned character whose unadorned exterior conceals an extremely irritable sense of self-esteem, men who bear contradiction very badly, refutation still worse. Although he was far from being inclined to the loud boasting characteristic of Friedrich List, he was by no means disposed to hide his light under a bushel. He admitted, indeed, that no one individual could justly claim to be the originator of the customs-union. Yet he plumed himself on the ground that his memorial had for the first time propounded the idea of a general customs-association ; that, apart from a single error, it had accurately prophesied the constitution of a subsequent customs-union. He failed to see that this single error concerned the vital problem of German commercial policy ; he failed equally to recognise that the greater part of his memorial dealt solely with the expression of wishes in matters where Prussia had already taken effective action. His great service and his only one lies in this, that, simultaneously with the Prussian statesmen and independently of them, he had thought out the correct solution of some of the important problems of German commercial policy ; but the decisive question whether there should be a federal customs-system or adhesion to the Prussian customs-union, was rightly answered in Berlin and wrongly answered by Nebenius. He came nearer to the truth than did List. If List may be compared with Görres, of Nebenius it may be said that of the future customs-union he foresaw about as much as Paul Pfizer foresaw of the modern German empire.

In the year 1819, no one as yet had any clear conception of the commercial league which was to come into existence one and

a half decades later. As Eichhorn was accustomed to say afterwards, "The idea had not as yet begun to develop." The warp of the great tissue had already been stretched. The Prussian customs-system had come into existence; Prussia had expressed her desire to enlarge this system, and, in a spirit freed from all pettiness, to guarantee her German neighbours an abundant share in the income from the common tolls. But the woof, the goodwill of the neighbour states, was still wanting. On all sides there was yet lacking a definite conception of the loose federal forms which could alone render possible an undertaking never yet ventured, a permanent commercial league between jealous sovereign states. The necessary goodwill was subsequently enforced by necessity. The administrative forms of the customs-union were not thought out in advance either by Nebenius or by any other thinker. Theory can never solve such problems; their solution was found in the paths of practical politics, through negotiations and mutual concessions between the German states. The Badenese thinker wrote as an irresponsible private individual; he was able boldly and unhesitatingly to conceive the unity of the entire fatherland. He held to this ideal with invincible firmness, and it was because he took so high a flight that he adopted the impossible plan of federal customs. Prussia's statesmen had a precious good to safeguard, the commercio-political unity of their state, acquired with so much difficulty, and still seriously threatened. Accused by the enthusiasts, now of obstinate pettiness, now of self-satisfied arrogance, they had to endure with patience, and, cautiously building upon the groundwork of existing institutions, they attained their lofty goal.

At the right moment the originators of the Prussian customs-law secured a powerful diplomatic ally in the new referendary for German affairs, J. A. F. Eichhorn, to whom his chief, Count Bernstorff, gave a free hand in the domain of commercial policy. Among the heroes of toil who in weary days continued to maintain the great traditions of Prussia, who amid peaceful activities laid the foundations of their country's renewed greatness, Eichhorn stands in the first rank. His whole career had prepared him to effect the peaceful subdual of particularism. His youth had been passed in Wertheim at the confluence of the Main and the Tauber, in the very heart of the decayed world of the old empire, and throughout life he was never able to forget how he had in this region seen the official of the imperial court of

chancery, clad in his Old Franconian attire, executing the orders of emperor and empire. Filled with enthusiasm for the deeds of Frederick the Great, he had then moved northward to serve the state of his election; and to him as to many others it was revealed that Prussia inspires the warmest love in those Germans who have laboured to acquire this sentiment. In Cleves he witnessed the collapse of the Prussian regime, in Hanover the fiscal arts of a small-minded annexationist policy, and despite all this remained true to his state. Then he took part in Schill's bold adventure, and in Berlin entered into confidential association with Stein and Gneisenau, with Humboldt, Altenstein, and Kircheisen, all of whom immediately accepted this unknown and youthful stranger as an equal. A pupil of Spittler, having received a thorough and many-sided education, as first syndic of the university of Berlin he came into intimate personal contact with men of the learned world. Profoundly religious, he formed a close friendship with Schleiermacher, and by marriage became connected with the great theologians' family of Sack. The days of the War of Liberation were passed by him with uplifted heart, first as an officer on Blucher's staff, and subsequently as a member of Stein's central administration. In this latter position he was afforded ample opportunity of becoming acquainted with the inmost soul of the minor German governments. The enthusiasm of these great years was preserved by him unshaken in the quiet succeeding epoch of peace.

When at the age of forty he received the important post in the foreign office, he became inspired with the hope of founding a permanent union such as previously, under the central administration, had had no more than a temporary, inchoate, and undesired existence; of binding the German states for ever to the crown of Prussia by the bonds of justice, confidence, and interest. He regarded this as the fulfilment, the transfiguration, of the dreams of 1813. In article 19 of the federal act he recognised "the well-meant intention of the German princes, without prejudice to their sovereignty, to guarantee for German subjects the benefits of a common fatherland"; and he believed that Prussia possessed the power which was lacking to the Federation of securing these benefits of a fatherland for the Germans. Beside that incisive boldness which has often made itself admired in the great epochs of our history, people are apt to overlook that cold, tenacious, and enduring patience which in the endless and tedious bargainings with German particularism had

become second nature to Prussian statecraft. No other of our statesmen had so masterly a grasp as Eichhorn of this Old Prussian virtue. Year in and year out the talented man had to wade through the sticky slime of pettifogging negotiations, merely to read about which after the event arouses positive nausea. Yet nothing disturbed the freshness of his mind; never did he lose sight of the great aim which loomed behind the trifling work of the hour; again and again, after severe illnesses, he braced his weakly frame for unresting activity. His eyes were everywhere; like a physician at a sick bed he supervised the moods of the minor courts, their malice, their egotism, their hopeless stupidity. He sometimes relieved the tedium of his work with a light word. "What can be the real intentions of the ducal Saxon houses?" he wrote on one occasion, "I don't believe they know themselves!" Yet in spite of all the trouble the petty states gave him, he never ceased to preserve for them respect and good feeling, and with a federal and friendly sentiment never failed to accede to all their reasonable wishes. Not infrequently, spume from the foul waves of the demagogue hunt bespattered even his honourable name; but he remained always true to himself, valiantly did all he could to assist his persecuted friends, and nevertheless succeeded in retaining the king's confidence. For many years Prince Metternich employed all his worst arts against the detested patriot, who was regarded in Vienna as Prussia's evil genius. Simultaneously he was attacked by the liberal press as a man with the disposition of a slave. Unruffled, he continued to add stone after stone to the inconspicuous structure of German commercial unity, enduring in silence the unfair judgments of public opinion, for any attempt at open justification would inevitably have led to his fall. A time came, however, when the courts recognised his services; all the orders of the Germanic Federation, except one from Austria, were bestowed upon the unpretentious privy councillor, and the state-documents of the grateful members of the customs-unions extolled him as "the soul of the Prussian ministry." The nation, however, never fully recognised how much it owed to Eichhorn.

It was his hope to enlarge the Prussian customs-system by degrees, by means of treaties with the German neighbour-states. He had not drawn up in advance any fixed plan for the forms and limits of this enlargement; rightly recognising the difficulty of the undertaking, he left such matters to be decided by the incalculable course of events. In the year 1819 the question whether

the limits of the Prussian customs should be reached at the Main or at the lake of Constance, was not within the domain of practical politics; this question might influence the dreams of the leader of Prusso-German policy, but it could not direct his work. One thing only was certain, that the new customs-system must be maintained, that it must constitute the fixed nucleus for the reorganisation of German commerce. He demanded a free hand for Prussia's commercial policy, decisively refusing to permit Austrian intervention in this sphere. Yet he was far from being inspired with any hostility towards the Hofburg; to him, a conservative animated by the ideas of 1813, the notion of detaching the Germanic Federation from Austria remained utterly alien. When quite an old man he combated Radowitz's plans of union, regarding them as unrealisable dreams.

A vexatious evil, and one requiring immediate attention, was the situation of the numerous enclaves The customs-boundaries were speedily advanced so far as to embrace, almost in their entirety, the Anhalt duchies and a part also of the small Thuringian regions which were surrounded by Prussian territory. All goods brought to these regions were subjected to the Prussian import duties. It was not until the new system of frontier supervision came into operation, in the beginning of the year 1819, that Eichhorn invited these states to treat with the Berlin cabinet regarding the customs-question. In accordance with a reasonable compromise, the king was prepared to hand over to the sovereigns of the enclaves the income which the imports to these furnished to his state treasury. This somewhat brusque method of procedure, which in the papers of the ministry of finance was spoken of as "our enclave system," could not fail to arouse some hostility among the minor courts; but it was essential to show these neighbours that in matters of commercial policy they were dependent upon Prussia. Nothing but amiable weakness could allow the success of the great customs-reform to depend upon the previous assent of a dozen or so of petty suzerains who, after the manner of the German princes, could be convinced by nothing but the eloquence of accomplished facts. The only thing injured was the vanity of the neighbour overlords, for it was manifest that Prussia's action redounded to the economic interests of the enclaves. An independent commercial policy for these pitiable fragments of territory was inconceivable. It

would be impossible for their economy to thrive if Prussia excluded them from her customs-system, and surrounded them with her barriers; moreover, trade within the province of Saxony would be grievously disturbed, if all goods passing through Anhalt or Schwarzburg had to be placed under seal and subjected to the examination of the customs-officials. It was equally impossible for Prussia to leave the trade of the enclaves altogether unsupervised. The contribution of these trifling regions to the general revenue from the Prussian customs was no more than one eightieth part of the whole, but by smuggling they might readily become a serious danger to Prussian finances.

The wholesome severity of the Berlin financiers secured for the enclaves free trade in the Prussia market, and for their state-treasuries the promise of an assured and abundant income such as they never could have acquired through their own unaided energies. The Prussian government acted in good faith, it was prepared that its own enclave system should be utilised against Prussia herself, declaring on several occasions that should a South German customs-union come into existence the Wetzler enclave must be subjected to this customs-system.[1] Altogether untenable, therefore, was the complaint repeatedly voiced by the injured petty princes, that Prussia's enclave system was an infringement of international law. There was excellent legal warrant for subjecting to the Prussian transit dues all goods destined for the enclaves, and if the Berlin court thought fit, along certain lines of traffic, to raise the transit dues to the level of the import duties, no valid objection could be offered to this course.

When Eichhorn invited the petty states to join in friendly conventions in the matter of the enclaves, he simultaneously declared that the king was prepared to discuss the adhesion to the Prussian customs-union of other territories than these enclaves. He laid stress on the national character of the customs-law, pointing out that it was conceived in the spirit of article 19 of the federal act, that it was intended, first of all, to abolish the internal tolls in a portion of Germany, and further to facilitate the adhesion to the system of other federal states. The king, he said, had earned the gratitude of the federal associates by thus beginning to liberate the German market from the dominion of the foreign world. Henceforward Prussia's commercial policy continued faithfully to pursue this national tendency; the

[1] My authority for this statement is, among others, Memorial of the Ministry of Finance, December 28, 1824.

suggestion frequently mooted in later years, that Belgium or Switzerland should be accepted into the customs-union, was always promptly rejected by Berlin. It was not cosmopolitan freedom of trade at which Prussia aimed, but the commercial unity of the fatherland. In a note signed by Bernstorff, sent to the Gotha privy council under date June 13, 1819, it was stated that in the law of May 26th the king's main intention was " to tax trade in foreign commodities, and to ward off the competition of non-German factories from Prussia herself and from those other German states which in these respects will adhere to Prussia's rules. It is the king's strong desire that the measures, adopted solely in order to tax commodities of foreign origin and to protect native Prussian industry against the produce of non-German factories shall not, as far as can be avoided, redound in any way to the disadvantage of allied federal German states. The note went on to advise the formation of a Thuringian commercial union, which should then join the Prussian customs-union, thus indicating the precise course which fourteen years later led to the commercio-political union of Prussia and Thuringia.

The *Staatszeitung* gave an official assurance in the same sense, declaring: " Prussia, not merely on account of her own situation, but also because she regards the co-ordination of the individual interests of the German states with her own general interest as eminently desirable, strongly desires to further the plan of complete freedom of trade between the federal states; and it is Prussia's greatest wish to secure the removal of all the difficulties which may seem to oppose the carrying of this plan into execution." Towards Christmas of the year 1819, when the delegates of List's Union visited Berlin in order to win over the government to the idea of a German customs-union, they received the following assurance from Hardenberg and three of the ministers: " It is far from being the desire of the Prussian government to impair the welfare of the German neighbour states by one-sided measures. This government would be delighted if all the governments of Germany could come to a general agreement regarding the principles of a common commercial system such as would favour the welfare of all parties to that agreement. The Prussian government, for its own part, would gladly do anything in its power to secure for the whole of Germany the advantages of a system of free trade based upon justice. But we cannot fail to recognise that the organisation of the individual German states by no means fits them as yet for common action in these

matters, especially when it is remembered that the arrangements for such common action must be carried out in the like spirit by all. As yet, therefore, it seems that no more can be effected than that individual states which consider that their interests suffer from the present posture of affairs should endeavour to come to an understanding with those members of the Federation from whose actions, in their view, their troubles arise, and that in this manner harmonious arrangements should spread from frontier to frontier, aiming at the increasing abolition of the internal barriers of separation." [1]

Herein was given definite and concise expression to the fundamental idea of such a national commercial policy as, in view of the futility of the Bundestag, was alone possible of attainment. Concerning proposals that were still inchoate, no government could speak more plainly than did Prussia. But, owing to the epidemic infatuation which now affected public opinion, and amid the loud chorus of complaints directed against absolutist Prussia, the frank expressions and actions of the Berlin cabinet were utterly ignored. People persuaded themselves into the illusion that Prussia was selfishly separating herself from the great fatherland. Invectives rained upon the arrogance and particularism of Berlin, proceeding above all from the petty courts which had to accept the enclave system. Even to Charles Augustus of Weimar it seemed an extremely arrogant suggestion that his administrative districts of Allstedt and Oldisleben, which were surrounded by Prussian territory, should be subjected to the Prussian customs-system, and he wrote in the following terms to the court of Berlin: "A strict carrying into effect of the law of May 26th seems so little in harmony with the principles of the federal act that assuredly this matter will form the subject of the next proceedings of the Bundestag, and his majesty of Prussia, as a federal prince, will find it necessary to make conciliatory proposals to the Federation.[2]

Eichhorn could not agree to such naive proposals. He could not sacrifice the customs-system of the province of Saxony to the preferences of Austria and of the majority of the Bundestag, but continued to hope that the recognition of their own advantage would lead the petty Thuringian dynasts to accept Prussia's offer, and to sign treaties recognising the adhesion of their

[1] *Preussische Staatszeitung*, 1819, No. 131. *Idem*, December 28, 1819.

[2] Despatch from Privy Councillor Edling and Conta to Count Bernstorff, Weimar, January 26, 1819.

intra-Prussian enclaves to the Prussian customs-system. All the minor neighbours did, in fact, apply to the court of Berlin, but only to demand the immediate abolition of the enclave system, although they made no suggestions as to how this abolition would possibly be effected. The well-meaning prince, Günther Frederick Charles of Schwarzburg-Sondershausen, considered himself especially aggrieved. The larger moiety of his realm, the Unterherrschaft which included the capital, a region containing nearly 30,000 inhabitants, was surrounded by Prussian territory and incorporated into the Prussian customs-system. Since the crown of Prussia, as assign of Electoral Saxony, also exercised the postal monopoly and certain other suzerain rights, very little of his cherished sovereignty was left to the prince. Consequently Lestocq, the much-worried envoy of the Thuringian states, and subsequently the Sondershausen privy council itself, had to besiege the Prussian court with demands for "the repeal of an ordinance to which, for its part, Schwarzburg-Sondershausen is firmly resolved never to agree."

Klewitz answered courteously to the effect that matters could without difficulty be arranged by a treaty; further he promised the prince duty-free passage for goods destined for the court; but any change in the law, he said bluntly, was impossible, in view of the danger of smuggling from the little neighbour state.[1] Sondershausen would not take the hint. For several months in succession the Prussian government was continually harassed with demands whether it was not at length willing to do away with an arrangement which so grossly infringed the rights of Sondershausen sovereignty. The prince personally directed to the king "a most devout request," that the king, "giving renewed proof of your majesty's generally honoured and universally valued liberality and magnanimity shall give occasion for the most unrestricted and most devoted gratitude."[2] All was vain; the humble form of the request could not conceal its arrogant content. Then von Weise came in person to Berlin, an excellent old man who in conjunction with his son, the privy councillor, ruled Sondershausen in patriarchal fashion. But he also failed to secure his end.

[1] Lestocq to Bernstorff, January 22; Despatch from the Sondershausen Privy Council to Bernstorff, February 27; to Klewitz, February 9; Klewitz to Chancellor von Weise, January 30, to Fernstorff, March 18, 1819.

[2] Von Weise to Hoffmann, April 23; Prince Günther to King Frederick William, July 29, 1819.

In Erfurt, meanwhile, Vice-president von Motz had taken up the quarrel. He knew the most intimate secrets of particularism, for his governmental district was in close association with nearly a dozen petty territories. As a good neighbour, he was on intimate terms with the two von Weises, and now did his first service on behalf of Germany's growing commercial unity (which was soon to thank him for greater things) by representing to his friends how childish it was to cling to a customs suzerainty which could never possibly become effective.[1] The prince, a patron of the arts, had long desired to establish a Sondershausen national theatre in the charming valley of the Wipper, but funds were lacking ; should he adhere to the Prussian customs system, this would help him out of his difficulties. The consideration was not without effect.

Towards the end of September the elder von Weise returned to Berlin, and since this time he really meant business he was received with extreme friendliness. Maassen and Hoffmann conducted the negotiations, remaining in continuous communication with Eichhorn. While still unacquainted with Nebenius' memorial, Hoffmann suggested on his own initiative that the simplest thing would be, ignoring petty fiscal details, to allot the general income from the customs-dues proportionally to population.[2] Thus was discovered that measuring-scale based on population which served Prussia as the foundation of all her subsequent customs-treaties. Von Weise immediately accepted this favourable offer, and on October 25, 1819, was signed the first treaty of accession to the Prussian customs, in virtue of which the prince of Sondershausen "without prejudice to his suzerain rights" subjected the Unterherrschaft to the Prussian customs-law, receiving a share in the customs revenue proportionate to the population of the region, and provisionally a round sum of 15,000 thalers. The pygmy ally was not granted any co-operation in customs legislation, and had simply to accept Prussia's commercial treaties and all other alterations which the ministry of finance might determine. In other respects, his suzerain rights were meticulously respected; even the customs inspection on Schwarzburg territory was to be effected solely by the princely officials.

Loud was the rejoicing in the valley of the Wipper. The prince expressed his profound gratitude for this new proof of

[1] From the Memoirs of Frau von Brinken, Motz's daughter.
[2] Hoffmann to Maassen, October 10, 1819.

royal magnanimity;[1] at length it was possible to him to open his celebrated smoking theatre, where he vied with the burghers of his capital city for the favour of the muses of the dramatic and the nicotian arts. From the financial point of view the agreement unquestionably allotted a lion's share to Sondershausen. The impecunious Thuringian mountain-land consumed far less than the eastern provinces in general of the colonial produce which provided the bulk of the customs revenue, but, for political reasons, Prussia was glad to make the monetary sacrifice.

All the more reasonable seemed the expectation that the other petty states would follow Sondershausen's example. In the preamble to the treaty, the king had once more declared that he was ready to enter into similar agreements with other federal princes. Rudolstadt was already beginning to negotiate. Hoffmann also expected that he would speedily come to terms with Brunswick, Weimar, and Gotha, and began in his proposals to transcend the principles of the enclave system. The Prussian state, even if it should renounce all plans of conquest, was at least compelled by the unhappily dismembered configuration of its domains to cherish commercio-political ambitions. The Prussian customs system could with difficulty be carried out unless, in addition to the enclaves, certain partially enclosed neighbour states were to be subjected to the Prussian customs-law. Take the case of Anhalt-Bernburg, a small proportion of whose frontier was not coterminous with that of Prussia, and which was therefore conscientiously treated as foreign territory. What was Prussia's reward for this scrupulousness? A formidable smuggling traffic, which increased from month to month, and which threatened to swallow all the customs revenue of the province of Saxony. Already in October, 4,023 cwt. of goods, for the most part colonial produce, had been imported into the little Harz towns adjoining Ballenstedt, to vanish there without leaving a trace. This region, at least, in Hoffmann's view, must immediately be included within the Prussian customs barrier. As soon as the treaty with Sondershausen was made public it would be impossible for the petty neighbours to fight against their own interests any longer.[2]

The hope proved fallacious. The customs treaty, which to us to-day seems so much a matter of course, was to remain

[1] Von Weise, junior, to Hoffmann, November, 1819.

[2] Lestocq to Bernstorff, October 29; Hoffmann to Bernstorff, December 18 1819.

for several years a solitary specimen. Immediately the report of its conclusion became disseminated, a cry of wrath resounded at all the courts. Prince Günther had to bear serious reproaches from his serene colleagues because he had so shamefully sacrificed the treasure of sovereignty; alarmed at the general indignation, the other petty neighbours, who had been about to follow his example, withdrew from the negotiations. The duke of Cœthen took the lead among Prussia's opponents, declaring in the name of the minor princes: "Voluntarily they can not and will not submit, for to do this would be a breach of their most sacred duties towards their subjects, their houses, and their own honour; he went on defiantly to demand that Prussia should place at his disposal a toll-free strip of Prussian territory twenty kilometres wide and extending as far as the Saxon frontier, in order to secure for the house of Anhalt free access to world-commerce. Looking on with ostensible good-nature, but surreptitiously inciting to further resistance, there stood behind the incensed pygmies Prussia's faithful federal ally, Austria. The courts secretly resolved that at the Vienna conferences they would with united forces secure the repeal of the Prussian customs-law; only if this first beginning of German customs unity were swept from the earth would it be possible for the Bundestag to establish a national commercial policy. The entire nation outside Prussia joyfully participated in this frenzy of particularist passion. All the songs and speeches in favour of German unity were forgotten, directly Prussia addressed herself to securing for the Germans "the benefits of a common fatherland."

Prussia's statesmen had hoped that during the very first years after the new law came into operation some of the German neighbours would be won over to the policy of practical German unity. But now Prussia was forced to assume the defensive. The victorious struggle for the maintenance, and subsequently for the extension, of the customs-area remained for many years the principal task of Prussian statecraft. Through his peaceful success in this campaign, King Frederick William atoned for the errors committed in Carlsbad, and established the boundary stones for the new Germany. He was the right man for this work of German patience, so inconspicuous, and yet of such momentous importance. Equable and ever devoted to his aim, loyal and firm, animated by a sense of justice which disarmed mistrust, always prepared

to encounter a converted opponent with upright benevolence, he gradually liberated the debris of Germany from the bonds imposed by Germany's own folly and by foreign intrigues, preparing the way for greater times. The present must not display less gratitude than did Frederick the Great when he said, referring to his father's inconspicuous life-work: "For the energy of the acorn we have to thank the shade of the oak tree which covers it."

BOOK III.

AUSTRIA'S HEGEMONY AND THE INCREASE IN THE POWER OF PRUSSIA.

1819-1830.

CHAPTER I.[1]

THE VIENNA CONFERENCES.

§ 1. FINAL ACT OF THE GERMANIC FEDERATION.

THE power of inert daily custom sometimes robs genius of the fruits of its activity, but it also frequently hinders injustice in its presumptuous career. A *coup d'état* such as Prince Metternich had succeeded in effecting in Carlsbad and Frankfort could not be promptly repeated, and least of all in the greatly subdivided German world. The anxiety of the summer of 1819 had been dissipated, the new exceptional laws temporarily sufficed to allay the real and the imaginary dangers of a demagogic rising, and in proportion to the degree in which they once more felt safe were the minor courts again influenced by the sentiment which ever dominated them in peaceful times—regard for their own sovereignty.

It is true that Bavaria, by a conciliatory declaration to the two great powers, had mitigated the objections she had herself made against the Carlsbad decrees, and that the king of Würtemberg had failed to secure the assistance demanded in Warsaw. Nor was the efficiency of the federal decrees at all restricted by the fact that the court of Munich had permitted itself a trifling excess of independent power in refraining from promulgating the federal executive ordinance, and in introducing

[1] Treitschke's Prefaces to Book III constitute Appendix XII, and will be found at the end of this volume.

the censorship for political periodicals alone; for the federal executive organisation, which gave new powers solely to the Federation and not to the individual states, was unquestionably in legal force now that the Bundestag had promulgated it, and such abundant provision was made for the good behaviour of Bavarian authors by the ordinary executive authority of the police, that subsequently Zentner was able truthfully to declare that in this way the aim of the Carlsbad press law "was just as efficiently and often more certainly attained than it would have been by a censorship." [1] Nevertheless Hardenberg felt that all these half-hearted attempts at resistance gave expression to a hidden discontent which might very readily become dangerous. Who could foresee whether the Bavarian crown prince might not soon gain supreme influence at the court of his indulgent father? The young prince was definitely opposed to the Carlsbad decrees; his whole nature revolted against them; they conflicted with "the liberal and popular German sentiment" of which he loved to boast, and with the pride of sovereignty characteristic of the house of Wittelsbach. It was known in Berlin that henceforward Bavaria and Würtemberg would be on their guard; both these courts had instructed their plenipotentiaries that at the ministerial discussions in Vienna they were to approve nothing which conflicted with their respective territorial constitutions. The high-handed conduct of the two great powers in Carlsbad had offended even the ultra-conservative minor courts of the north; while the elderly king of Saxony, despite all his devotion to the house of Austria, displayed his dissatisfaction at the contemptuous way in which he had been treated by the Bundestag. All these considerations urged caution, and although Hardenberg had successfully repulsed the attacks of Count Capodistrias, he thought it advisable to avoid rousing further suspicion in the minds of the Russian statesmen, and to refrain from giving them any excuse for secret machinations in Germany. When General Schöler reported that the court of St. Petersburg looked forward with lively anxiety to the ministerial discussions in Vienna, Bernstorff immediately gavè a reassuring answer to the effect that there was no intention

[1] Zentner, Memorial concerning the Renewal of the Carlsbad Decrees, May 28, 1824.

[2] Zastrow's Report, Munich, November 17; Küster's Report, Stuttgart, November 29, 1819.

in Vienna to initiate any changes, but that the sole aim of the conferences was to carry out and to develop the federal act.[1]

The experiences of the last few weeks had, moreover, made the chancellor feel that Prussia's own interests might be seriously endangered by any further advance along the path entered at Teplitz. Hardenberg had there facilitated an extension of the competence of the Federation which conflicted with the legal character of the federal constitution, and which it would hardly be possible to maintain in default of an independent centralised authority. In the interim he had come to consider that it would not be possible to perform the next and most important task of his German policy, the maintenance of the new customs system, if the federal authority should become competent to undertake arbitrary interference in this matter. When, with the king's approval, he gave Count Bernstorff instructions for his conduct at the Vienna assembly, he wrote: "It is, above all, the minor states which, misled by an erroneous and arrogant conception of their sovereignty, are apt to regard as infringements of that sovereignty the necessary undertakings of the great states." The first modest attempt to enlarge the Prussian customs area had brought all Prussia's smaller neighbours into the tilting ground, and there was no doubt that in Vienna they would endeavour to annul the Prussian customs-law by means of a decision of the entire Federation. Was Prussia herself to sharpen the weapons of these opponents, to work at this juncture for the establishment of a permanent federal jurisdiction, to subject the vital problems of Prussian commerce and the entire future of German commercial policy to the incalculable pretensions of a tribunal in which the minor states had the decisive voice? As soon as Hardenberg devoted serious attention to one of the great problems of practical German unity, the very nature of things led him back to that sober conception of the federal law which Humboldt had formed when the Bundestag first assembled;[2] he recognised that the economic interests of the nation must be pursued independently of the Federation, that they could be furthered solely by negotiations between the individual courts.

At the Vienna congress, Hardenberg had still endeavoured

[1] Bernstorff to Ancillon, December 7, 1819.

[2] Vide supra, vol. II, p. 400.

to secure a strong federal authority, one which should be competent to control the internal activities of the individual states; but now that the Federation had acquired "a different organisation and development from that which we had anticipated," this seemed to him neither possible nor desirable. The federal constitution, such as it was, reposed upon the sovereignty of the individual states; the Viennese negotiations promised to be fruitful only if this principle should be unreservedly recognised. It was for this reason, moreover, that the chancellor expressly reiterated Prussia's old demand that the matter of the federal military organisation should at length be settled; he also desired that the Carlsbad decrees should for a few years be inviolably maintained as urgency laws, but he was opposed to granting the Federation a more powerful influence in the internal affairs of the individual states. Consequently there was to be no permanent federal jurisdiction, nor yet any definitive federal executive organisation, so long as the provisional federal executive organisation remained untried. Nor did Hardenberg any longer wish to abolish the provision in the federal constitution whereby, in all decrees concerning organic institutions, unanimity must be secured, for the minor states remained unwilling to agree to a juster distribution of votes at the Bundestag. Regarding article 13 of the federal act, he expressed no more than a few diffident wishes; and in conclusion he enunciated the dry opinion that it would perhaps be best "to acquiesce entirely in the general admonitions of the presidential address at the last session of the Bundestag.[1]

Metternich, too, began cautiously to give way. It is true that shortly before the opening of the conferences he wrote boastfully enough to the loyal Berstett: "Count upon us. Count that Prussia will hold firm; I guarantee it. Count, finally, upon the enormous majority of the German governments, and above all upon yourself. You will find me here too, just as you left me on the last day in Carlsbad; and you will also find the emperor, unquestionably an enormous moral force!"[2] But he certainly felt that he could not again venture, as in those victorious days in Bohemia, to play the part of dictator. His intention that the general representative system should everywhere be replaced by the representation of estates had been frustrated in Carlsbad; still less, therefore,

[1] Instruction to Bernstorff, November 10, 1819.
[2] Metternich to Berstett, October 30, 1819.

could he expect to carry out this intention in Vienna, at ceremonious and formal ministerial conferences, where the arts of intimidation and surprise would avail him nothing. He therefore prudently adapted himself to circumstances, and, in issuing on October 16th the invitations to the minor sovereigns, he employed a modest and disarming form of expression. All that was intended was "a preliminary discussion" between the German governments, so that the Bundestag might receive unanimous instructions concerning the important decrees which Count Buol had promulgated on September 20th.[1]

In the latter half of November, when the invited plenipotentiaries of all seventeen votes of the inner council reported themselves to Metternich, he found most of them favourably disposed, prepared to do everything which could in any way help to establish "the monarchical principle" more firmly, but also full of alarm regarding a possible further curtailment of their sovereignty. Willingly, therefore, he adopted the conciliatory methods urged upon him by Bernstorff in preliminary confidential conversations. Both statesmen were agreed "not to diverge by a hair's breadth" from the September decrees, nor to allow any further discussion of what had been effected in the past. Henceforward, however, the Carlsbad policy was to be retained "within the limits of the achievable; by the paths of "moderation and harmony," an endeavour was to be made to effect a compromise with those members of the Federation who held divergent views; as concerned the difficult interpretation of article 13, the monarchical principle and the federal unity were to be simultaneously maintained, and yet due regard was to be shown for those states which by their constitutions "had already to a large extent lost sight of these two joint considerations."[2] To allay in advance the suspicions of the minor courts, Metternich overflowed with ardent asseverations of loyalty to the Federation. The federal act, he declared in the very first sitting, was held sacred by the court of Vienna; even should some verbal error have crept into the document, Emperor Francis would never allow a word of this holy charter to be altered. This was an unambiguous announcement that Austria did not again

[1] Metternich to Berstett, October 16, 1819, with letter of invitation to the Grand Duke of Hesse, etc.

[2] Bernstorff's Report, November 24; Bernstorff to Ancillon, November 23, 1819, to Goltz, March 25, 1820.

purpose to effect an arbitrary strengthening of the federal authority such as had been determined on in Carlsbad.

The representatives of the two great powers had anticipated at the outset lively opposition on the part of Bavaria and Würtemberg, but they were soon agreeably disillusioned.[1] Zentner, the Bavarian plenipotentiary, knew how to gratify the wishes of both parties in the Munich cabinet, and adopted a middle course which was, in existing circumstances, the only sound policy for his state. He openly professed his loyalty to the constitution, and with juristic acumen advocated that strictly particularist view of the federal law which, at first at the Vienna congress, and subsequently at the Bundestag, had been obstinately maintained by the house of Wittelsbach. According to the Bavarian doctrine, the fundamental law of the Federation was comprised exclusively in the first eleven articles of the federal act; the "special provisions" of the nine concluding articles, dealing with the internal affairs of the federal states, were regarded in Munich as no more than a voluntary agreement between sovereign powers, and were not considered unconditionally binding. But there was never any doubt as to the Bavarian's intentions. He displayed not a sign of the liberal tendencies erroneously attributed to him; he avoided uttering a word which might arouse suspicion in this circle, and did so all the more scrupulously because his colleagues expressly assured him that the court of Munich had by its appeal for help contributed to bring about the Carlsbad decrees. So long as the sovereignty of the Wittelsbachs and their territorial constitution remained intact, he would gladly share in any measures tending to secure "order"; and since in the negotiations he showed himself an able man of business, always accommodating and courteous, hard-working and well informed, altogether free from duplicity, he was soon, as Rechberg had prophesied, on good terms even with Metternich. He speedily formed a close friendship with Bernstorff, and once more the understanding between the two principal purely German states proved natural and wholesome; as parties now stood, they could indeed do little positive good, but they were able to prevent many of the follies of reactionary party policy.

Less friendly, but perhaps even less dangerous, was the

[1] Bernstorff's Reports, November 30 and December 7; Bernstorff to Ancillon, November 30, 1819.

attitude of Würtemberg. A singular obscurity continued to prevail regarding the designs of the court of Stuttgart, an obscurity which corresponded with the character of King William. The Prussian envoy to this court was altogether unable to see his way clearly; now one of the ministers would assure him that in essentials the court was in complete sympathy with the Carlsbad decrees, and now again the king would express ultra-liberal sentiments to the Russian envoy.[1] A similar uncertainty was betrayed in the choice of plenipotentiaries for the conference. Wintzingerode remained in Stuttgart for reasons identical with those which kept Rechberg in Munich; he was unwilling to lose immediate contact with his king, and he desired to retain the decisive voice in the privy council. Count Mandelsloh, a good-natured, easy-going, rather dull old gentleman, whose political innocence was above suspicion, was furnished with credentials for Vienna, and yet Stuttgart policy could never work straightforwardly. This blameless envoy received as assistant, without voting power, Baron von Trott, a liberal Rhenish Confederate bureaucrat, a man after the Swabian king's own heart, shrewd, active, and ambitious. For some months past he had been regarded as King William's chief confidant, though no one could say how long he was likely to retain this position, for at the court of Stuttgart the change of roles was usually very rapid. In Vienna he was ill received from the first, for he had the reputation of being a Bonapartist, and was inclined to Wangenheim's trias plans; Münchhausen, the envoy of Electoral Hesse, actually refused to sit in council with a man who had once served as prefect under King Jerome. Being thus suspect on all hands, and in addition being on terms of personal enmity with his chief, it was impossible for Trott to play any part in the conferences, and it was only at intervals, when some trifling intrigue was initiated from Stuttgart, that he emerged from obscurity.[3]

Among the other plenipotentiaries, the most notable was Baron du Thil, the Darmstadt minister of state, a man of keen statesmanlike intelligence, reputed an ultra-conservative monarchist, but one who took a freer and more accurate view

[1] Küster's Reports, September 21, October 23, November 29, and following dates, 1819.

[2] Küster's Report, October 26, 1819.

[3] Further details are given by Aegidi, The Final Act of the Vienna Ministerial Conferences, II, p. 62.

than did most liberals of the practical aims of the national policy and of the German vocation of the Prussian state; here in Vienna he acquired among the Prussian statesmen a prestige which at a later date was to bear valuable fruit for Germany's unity.[1] He too, however, always displayed anxiety when there was any talk of enlarging the powers of the Federation. Most of the other ministers held similar views, down to the good Fritsch, who represented the Ernestine court, and Senator Hach, the plenipotentiary of the free towns. This mood of the statesmen unquestionably harmonised with the sentiments of the nation.

It was the curse of the Carlsbad policy that every increase of the federal authority was henceforward regarded as a danger to civic freedom. In a people in which a sense of national pride and in which thoughts of the fatherland were only just beginning to reawaken, it was inevitable that particularism should manifest itself with renewed energy now that the policy of centralisation was pursuing false aims. During these very days, W. J. Behr, the leader of the Franconian liberals, published in Würzburg a writing upon *The Influence of the Federation upon the Constitution of its Member States*, which secured warm approval from the press and faithfully represented average liberal views. In this work, the particularist doctrine of the court of Munich was greatly surpassed. We find in it not a single word about a German nation, nor any allusion to the great tasks of civilisation which that nation could perform with united energies alone. The dissolution of the Holy Empire and of the Confederation of the Rhine had proved, it was contended, the impracticability of a German national state. The Germanic Federation was merely a free association of co-existing peoples, which kept the peace one with another, and which combined for the joint defence of their safety against the foreign world; but these peoples desired to retain their individual sovereignty unimpaired. The Federation had nothing whatever to do with the internal affairs of its member states, and since sovereignty and subordination are utterly incompatible, the only resource of the Federation against a recalcitrant member was exclusion. Woe unto us, said the author, if "the spirit of a national state comes to animate our German federation of states, leading it to lust after the exercise of supreme authority!" The treatise closed with a

[1] Otterstedt's Report, Darmstadt, June 10, 1820, and subsequent dates.

panegyric on Bavaria's free constitution. Thus completely had the new constitutional glories expunged the memories of ten centuries of history; the nation of the Othos and the Hohenstaufen had been dissolved into "coexisting peoples."

Since Metternich and Bernstorff both felt that it was necessary to reckon with this strong particularist tendency, soon after the opening of the conferences there became manifest an unexpected transposition of parties. The great powers walked hand in hand with Bavaria, receiving in most cases the approval of those very minor states which had shortly before been mistrustfully excluded from the Carlsbad deliberations. The two reactionary courts, on the other hand, which in Carlsbad had shown themselves most subservient, Baden and Nassau, formed the opposition in Vienna, playing there the part of "the German ultras," as Bernstorff phrased it. To Berstett's limited intelligence, the urgent grounds which forced the court of Vienna to walk cautiously seemed non-existent; he thought only of Badenese domestic embarrassments, of the Carlsruhe Landtag which was shortly to reassemble, of the grand duke's angry exclamation, "It is better to be devoured by lions than by swine!" As Bernstorff wrote, Berstett desired "to see his own work destroyed by federal intervention," and hoped for a comprehensive redrafting of the federal act which would impose strict limits upon the territorial constitutions; as a minimum he wished for a new exceptional law to prohibit publicity of the proceedings of the chambers throughout the five years' duration of the Carlsbad decrees.[1] Vainly did Berstett's companion, the restless young Blittersdorff, bring the assistance of his incisive pen. *Nos ultras* soon became a nuisance even to their old Austrian patron. One after another of Berstett's plans came to nought, and at length he was reduced to attempting, by continually bringing forward fresh proposals, to postpone the end of the conferences, "hoping to inspire in the Badenese Landtag a wholesome sense of terror through the long continuance of the present meeting."[2] So remarkable were the bubbles arising out of the marsh of German federal policy. The statesman who thus expressly defended the necessity for a strong centralised authority was animated, not by a national sentiment, but by the dread of revolution,

[1] Bernstorff to Ancillon, November 30 and December 25, 1819. Berstett's Reports, Weech, Correspondence, pp. 34 et seq.

[2] Bernstorff's Report, April 9; Bernstorff to Ancillon, April 9, 1820.

and by the frank and excessive self-esteem of particularism; as Bernstorff declared, he continually confused "the separate affairs of Baden with the loftier and more general concerns of the community." The issue of the Viennese negotiations filled these reactionary centralists with profound disgust. Blittersdorff wrote angrily: "By her half measures, Austria ensures the victory of the new ideas; in this connection the Vienna final act may be stigmatised as the most disadvantageous charter of peace which has been signed by Austria for many years." [1]

Yet more passionate was the anger of Berstett's friend, Marschall of Nassau. He had expected that in Vienna the war of annihilation against the new constitutions would immediately break out; and before the opening of the conferences he had drafted a memorial describing in glowing terms "the injurious and illegal characteristics" of the Würtemberg fundamental law. Because this constitution was couched in the form of a convention, it was, by the doctrinaires of both parties, despite its extremely modest content, regarded as the masterpiece of liberalism. Marschall conceived that he was listening to the alarm bells of revolt when the burghers of Stuttgart declared in an address: "Cultured Europe, from the banks of the Tagus to those of the Niemen, is united in accepting the principle that ruler and people cannot be conceived of without a convention of acquiescence." He insisted that in its very origin this constitution "pays homage to the democratic principle that is fermenting in Germany; the maintenance and establishment of the internal repose of Germany are dependent upon its public disavowal." To the chief of the all-powerful Nassau bureaucracy, the anxiously restricted municipal freedom of the Swabians seemed an attempt "to republicanise the state from below upwards"; and since he himself was quarrelling with the Landtag about the domains, he regarded it as an indignity that King William, following his father's example, had conceded to the state his proprietary rights in the crownlands, wrathfully exclaiming, "A German prince has declared his family property to be national property!" [2] He was

[1] Blittersdorff, Observations upon the Present Political Crisis, November 5, 1820.

[2] Marschall, Observations upon the Würtemberg Constitution, Vienna, November 17, 1819, published by Aegidi, *Zeitschrift für deutsches Staatsrecht*, I, p. 149.

speedily to learn how unfavourable was the air of Vienna to such designs. Noting the confidential understanding between Bernstorff and Zentner, he was confirmed in his old opinion that "the political ferment" issued from this detested North German great power, and he stormed with uncontrolled violence against the Prussian minister.

The representatives of the Guelph houses, Münster and Hardenberg, as might be expected of these retainers of the high tories, held very similar views to the two reactionary hotspurs, but they had no desire to embroil themselves with the great powers. How different was now Metternich's position from what it had been in Carlsbad. It is true that he continued to seem to the world the admired leader of German statesmen, and in honour of the master the laborious work, which after six months' negotiations was at length brought to a conclusion, was dated May 15th, Metternich's birthday. But whereas in Carlsbad he had played the chief, in Vienna before almost every important step he came to an agreement with Bernstorff, who here for the first time displayed an entirely independent attitude, and who for his part held secret council with Zentner. The Austrian did not allow his disappointment to find expression, and in his letters continued to boast as usual of the undisturbed triumphs of his new diplomatic campaign. In reality, the policy of compromise which was followed at these conferences, while it expressed the moderate sentiments of the Berlin cabinet, was far from conforming to the intimate wishes of the Hofburg; for everyone knew that the two ultras, Berstett and Marschall, together with Plessen of Mecklenburg, were Metternich's favourites.

Supported by Küster, the second Prussian plenipotentiary, who had been familiar with the mode of thought of the minor courts since the days of Ratisbon, Bernstorff, by prudent pliancy and open good feeling, speedily acquired an extremely favourable position, so that Zentner termed him "the soul of the conferences." [1] He avoided speaking too frequently in the plenary assemblies, for Prussia held the presidency in eight of the ten committees which prepared the labours of the conferences, and was represented in all ten of them. The net outcome of the tedious deliberations could not be expected to be otherwise than scanty. Their course proved for all time that a federation which admits the sovereignty of its member states must renounce any

[1] Zastrow's Report, Munich, July 5, 1820.

idea of a healthy federal development. Nevertheless an agreement was secured concerning the interpretation of several of the articles of the federal act which had been all too concisely drafted, and also regarding certain general principles for the constitutional life of the individual states. The amplification of the federal law which was here effected was at least somewhat more practical than the federal act itself; and what was above all fortunate was the complete avoidance of any arbitrary steps which might cause fresh offence to the embittered nation.

The foundation upon which the conferences themselves rested was far from being legally incontestable in the light of the federal constitution. Just as modestly as in his letter of invitation did Metternich declare, when opening the conferences on November 25th, that the assembly was not a congress, and could not properly speaking come to any definite decisions, but had met merely in order "in a preparatory but binding manner" to agree upon a common treatment of federal affairs; it did not purpose any limitation of the sphere of activity of the Bundestag, but proposed to define the scope and boundaries of this sphere. Since the Bundestag had as yet failed to bring into being any of the promised organic institutions, it was certainly an obvious thought to come to the assistance of this body by a confidential deliberation among the leading statesmen, a deliberation which could not be paralysed either by the tedious procedure of the Bundestag or by the hocus-pocus of sending for instructions. In Carlsbad, only one party had been present; while here in Vienna the entirety of the members of the Federation were represented. But article 10 of the federal act had expressly assigned to the federal assembly, as the first business of that body, the drafting of the fundamental laws. Should the Bundestag be deprived of this task, its prestige, which in any case had been profoundly reduced since the September decrees, would be completely destroyed, and the hopeless futility of the German central authority would be proclaimed to the entire world. What a ludicrous spectacle: whilst in Vienna negotiations were proceeding concerning the structure of the federal constitution, the highest German authority quietly enjoyed its recess from the end of September until January 20th; and then Count Buol, who had meanwhile received the commands of the Vienna assembly, proposed a further prorogation until April 10. Vainly did semi-official newspaper articles endeavour to appease public opinion by the assurance that the committees were still unceasingly at work; the

nation knew just as well as the federal envoys themselves that the machine in Frankfort was completely at a standstill.[1] During a period of seven months there was but one occasion on which the Bundestag gave a notable sign of life, and this was when it requested the French court to suppress the *Elsasser Patriot*, a joint organ of the liberals on both banks of the Rhine.[2]

Meanwhile matter for discussion at the Vienna conferences continued to accumulate. The first committee, appointed to determine the competence of the Federation, found itself compelled to elucidate almost all the difficult questions of principle involved in the federal law, and quite spontaneously the problem arose for consideration whether it was not desirable that the principles thus agreed upon should be assembled in a great federal constitutional law. After the majority had quietly come to an understanding upon the matter, on March 4th Metternich proposed that out of the articles upon which an agreement had here been secured there should be compiled a supplementary act to the federal act, which should then, "in conformity with article 10 of the federal act," be submitted to the Bundestag for formal ratification.

Thus in conformity with article 10 this same article was to be suspended, and the drafting of the fundamental laws, which was the privilege of the Bundestag itself, was to be simply transferred to a ministerial conference concerning which the federal act had not a word to say! Not even Metternich had ever before interpreted the prescriptions of the German federal law so boldly. What did it matter to him that as recently as November he had declared that nothing more was contemplated than a friendly discussion between the federated governments? He now confidently maintained that the authority of this ministerial assembly was supreme, that of the Bundestag subordinate merely. Yet however certain it was that the Austrian proposal was open to serious objections from the legal point of view, this proposal was an adroit diplomatic way out of the difficulty, for it offered the simplest means of securing a definite result from the tedious negotiations, and at the same time of thrusting the Bundestag completely on one side. This latter aim was one which Metternich had continuously in view, for he was profoundly disquieted by the medley of parties in the Eschenheimer Gasse. Neither Count Buol nor his Prussian colleague was competent to

[1] Goltz's Reports, January 18 and 25, 1820.
[2] Goltz's Reports, February 15 and April 27, 1820.

control the envoys of the lesser federal states. The recall of Goltz, who earnestly desired to escape from the incessant bickering at Frankfort, had for some time been under consideration; but no suitable successor was forthcoming, for Solms-Laubach was regarded by the Vienna court as suspect, while the king considered Hatzfeldt unsuitable, for he was a Catholic, and Prussia must act at the Bundestag as leader of the Protestant courts. For the present, therefore, the inadequate representation was left unaltered, and Goltz merely received instructions that where questions of federal law were involved he was to seek the advice of the learned Klüber.[1] The leaderless Bundestag was simply impossible to count on. If it should be allowed to rediscuss the Vienna agreement, it was easy to foresee that Wangenheim and his liberal friends, with or without permission from their courts, would unfurl the standard of the opposition, and that their speeches, disseminated by the published minutes throughout the length and breadth of the land, would stir up public opinion. Amid the anarchy of this Federation anything was possible, even a struggle between the federal envoys and their respective ministerial chiefs. Such a misfortune could only be avoided by settling matters once for all in Vienna, and by forcing the Bundestag once more, as in the previous autumn, to yield to the force of accomplished facts. To this had the Germanic Federation come in five brief years: the most trifling emendation of its fundamental law could be secured in no other way than by the evasion and humiliation of its highest authority.

The so-called final act, which was now, in accordance with Metternich's proposal, compiled out of the resolutions that had been formulated, contained in the thirty-four articles of its first part detailed prescriptions concerning the nature and the sphere of activity of the Federation. Almost every sentence of these general propositions was a triumph of particularism. In the first sitting, Metternich had continued to speak of the Bundestag as the supreme legislative authority of the Federation, and promised that the sovereignty of each individual state should be "restricted only in so far as was demanded by the aim of Germany's unity." Zentner immediately entered a protest, to the effect that the

[1] Bernstorff to Hardenberg, February 19, April 3 and 17; Hardenberg's and Bernstorff's Requests to the king, July 18 and August 2; Hardenberg to the king, August 5; Cabinet Councillor Albrecht to Bernstorff, September 27, 1820.

phrase "German unity" gave occasion for misunderstandings, and that a supreme legislative authority was impossible in a federation. Metternich at once gave way, and answered propitiatingly that of course he had thought only of legislation in accordance with general agreement. The tone thus set was maintained by the majority throughout the subsequent negotiations; the final act declared the Germanic Federation to be an association based upon international law, a community of independent states with reciprocally equal treaty rights—a conception which to the court of Würtemberg actually seemed to err on the side of undue unification. Yet the honest Fritsch sometimes felt sick at heart when he saw the German commonwealth thus volatilised into a loose relationship of mutual agreements; in this way, he wrote complainingly, these sovereign independent states would make their subjects so unhappy that the demand for unity would become a popular movement and would lead to a popular revolution. Nevertheless the envoy of the Ernestines in the end heedlessly adhered to the decisions of the majority. Nor did Bernstorff oppose the particularist interpretation of the federal law, for this interpretation indisputably corresponded to the wording and to the spirit of the federal act. It sufficed him that beneath these doctrinaire general articles there was after all concealed a practically valuable decision. Article 6 permitted the cession of sovereign rights in favour of a federal ally, and in this way Prussia, without the majority becoming cognisant of the fact, gained a free hand for the treaties of accession to the Prussian customs system.

The Bundestag was to represent the Federation "in its entirety"; the federal envoys remained, "unconditionally dependent" upon their sovereigns, being responsible to the latter alone for obedience to instructions and for the conduct of business (article 8). The aim of this prescription was at once to prevent any independent action on the part of the members of the Bundestag and to make it impossible for the Landtags to interfere in the proceedings of the federal assembly. But herein it became manifest how incompetent a congress of diplomats is to undertake difficult legislative tasks. Since Zentner, Hach, and Berg, were the only experienced lawyers attending the conferences, the work of these proved in matter of form no less defective than had been the federal act, and the wording of article 8 betrayed the unsteady hands of juristic amateurs. This article forbade the territorial assemblies from calling the federal

envoys to account, but did not forbid them to take their constitutional ministers to task concerning the nature of the instructions sent to Frankfort, and it was speedily to become apparent that the conference had served only to enrich the federal law with a new insoluble problem. So long as the Federation continued to exist, no definite answer was ever found to the difficult question whether the Landtags were entitled to exercise an indirect influence upon the course of federal policy.

Party feeling ran high when the constitutional unanimity of the federal decisions now came up for discussion. Berstett and Marschall put forth all their eloquence, demanding majority decisions upon every question which did not transcend the essential purpose of the Federation, and giving clearly to understand that they still hoped at the appropriate time, by means of a majority vote, to secure the passing of a federal customs-law and of a federal decree concerning the rights of the Landtags.[1] It was the *arrière pensée* of these remarkable "unitarians" which made it necessary for the Prussian minister to take his stand upon the specifications of the federal act; just as little would he sacrifice his customs-law to the preferences of the Bundestag majority as would Zentner sacrifice the Bavarian constitution. As long as the minor states, comprising barely a sixth of the nation, could outvote the other five-sixths, the preposterous right of the *Liberum Veto* remained an indispensable resource for the more vigorous states. The unhappy experiences of recent years had put this matter beyond doubt, and for this reason Hardenberg, who in Teplitz had still thought of enlarging the rights of the federal majority, had long since changed his mind. Even Metternich now recognised the impracticability of his Teplitz plans. He warned the assembly against attempting to transform the federation of states into a federal state, and vigorously protested against the obnoxious expression *Liberum Veto* on the ground that the right of veto was inseparable from sovereignty. Prussia suggested an intermediate course. Should an organic institution, while supported by a majority at the Bundestag, fail to secure unanimous acceptance, the states of the majority were to be rendered competent to enter into an agreement among themselves, resembling the concordats of Old Switzerland. The proposal was rejected, for the formation of dangerous separate leagues (*Sonderbünde*) was dreaded. The upshot was that in essentials there was retained the prescription

[1] Bernstorff's Report, April 16, 1820.

of article 7 of the federal act which demanded unanimity for all fundamental laws and organic institutions. The solitary advantage secured by the lengthy discussion was an obscure interpretation of the obscure expression "organic institutions"; this was to signify "permanent institutions as means for the fulfilment of the declared aims of the Federation."

Equally paltry was the outcome of the laborious deliberations concerning the so-called "permanent jurisdiction." How strange had been the change of roles. Prussia, which at the Vienna congress had been the most ardent advocate of a permanent federal court of justice, now insisted upon the precise wording of the federal act no less definitely than did Bavaria, the old opponent of federal jurisdiction, and proposed that since the federal law recognised only an arbitral method of procedure, every voice of the inner council should nominate a distinguished jurist as arbitral judge. From these seventeen, the contending parties should in each individual case elect five judges, and certain additional guarantees should be given for the impartiality of the arbitral decision. Metternich, on the other hand, who five years earlier had cheerfully sacrificed federal jurisdiction to Bavarian opposition, now gave secret support to the North German petty states, all of which, with suspicious zeal, demanded the institution of a permanent federal tribunal.

Every member of the conference knew where was to be found the key of this enigma. In reality the dispute had nothing to do with federal jurisdiction, but concerned the Prussian customs-law, which overhung Prussia's smaller neighbours like a threatening cloud. Since the regular exercise of judicial powers was not within the competence of the Federation, it was not now suggested (as Humboldt had still hoped five years earlier) that the proposed permanent jurisdiction should take the place of the old imperial court of chancery, but that it should serve merely to settle disputes between the federal states. What a piece of good luck it would be for Electoral Hesse, Nassau, Mecklenburg, Anhalt, and the Thuringian states, if they were to be empowered to bring their innumerable grievances against the Prussian customs system before a permanent federal court consisting of sixteen non-Prussians and one Prussian! In this manner, perhaps, the dreaded Prussian enclave system could be bloodlessly abolished by way of civil procedure. Küster rejoined, not without irony, that a permanent federal tribunal endowed with so limited a sphere of activity "would for most of the time sit about doing

nothing, and perhaps its very existence would serve to awaken and foster litigiousness." Since Prussia and Bavaria stood firm, the conference at length decided to content itself "for the present" with the existing arbitral ordinance of 1817, by which disputes were to be submitted to the supreme court of a federal state chosen by both parties. Bernstorff was but half satisfied with his success; he knew how little an ordinary law court of the German highlands was fitted for the decision of difficult questions of constitutional law; but none the less he regarded it as a definite gain that the proposed federal court, of necessity partisan through and through, should not have come into existence.[1]

The new federal executive organisation, which henceforward took the place of the provisional arrangements of Carlsbad, was conceived in the same spirit of particularist caution. It was to be the rule that the Bundestag should deal only with the governments, and should have executive powers in relation to these alone. Solely if the government of one of the federal states should actually apply for help to the Federation, or in case of open revolt, was the Federation empowered to take direct proceedings against subjects.

In all these deliberations, Bernstorff had gone hand in hand with Zentner. Very different was the party grouping in respect of the second portion of the final act, which, in eighteen articles (articles 35-52), furnished prescriptions concerning the foreign policy and the military system of the Federation. In these "military-and-political questions," Prussia now, as always, espoused the cause of federal unity. In Hardenberg's view, effective protection against the foreign world was the solitary advantage which the nation might hope to secure in the field of federal policy, which had proved so sterile as far as internal affairs were concerned. King Frederick William was still unable to reconcile himself to his failure to secure the entry of Posen and Old Prussia into the Federation. All the more earnestly, therefore, did he now desire to conclude a perpetual defensive alliance between the Germanic Federation, Austria, and Prussia; if this should prove impossible, he demanded that there should at least be furnished a definite answer to the question which still remained unsettled, what precisely was a federal war. If one of the two great powers should be attacked in its non-German provinces,

[1] Bernstorff to Goltz, March 25, 1820.

the Federation must be empowered to declare war by a simple majority vote, and if no such decision were taken, the states of the minority must not be forbidden to furnish help to the attacked party. The king had chiefly in mind his own unprotected eastern frontier, but thought also of Austrian Italy, for in this matter he was in agreement with the chancellor, holding that any attack upon Austria endangered Prussia as well. His intentions aroused general and vigorous opposition. The middle-sized states already performed their federal duties unwillingly, and were far from inclined to submit to any increase of the burden. On this occasion even Zentner was reserved and almost hostile; his conduct showed that the court of Munich was secretly prepared, in certain circumstances, to pursue the policy of armed neutrality as leader of a pure German federation.[1] The foreign world also set itself in motion. The foreign envoys to the Bundestag all described to their courts in lively colours the imminent menace of a great central European national league; the St. Petersburg cabinet showed itself greatly annoyed at the lack of confidence on the part of its German ally; even friendly England confidentially warned the court of Vienna that it was necessary to avoid driving the czar into the arms of France.[2] In view of all those considerations, Metternich could not make up his mind to give unconditional support to the Prussian proposal; he was afraid of "compromising the Federation in the eyes of Europe."

After an obstinate and sordid dispute, the conference agreed that federal declarations of war would be made only by a two-thirds majority, in plenum. Offensive wars, on the other hand, begun by any federal state with non-German possessions acting as a European power, were to remain "completely foreign to the Federation." Upon the angry requisition of Bavaria and Würtemberg, the clause just quoted, to give it a more formal significance, had to be embodied in a special article (46).[3] Not till after this, in article 47, came the prescription for the case of an attack upon the non-federal provinces of German federal states. In such an event, the Bundestag might decide by a simple majority in the inner council that the federal domain was endangered, and might then proceed to declare a federal war in the customary manner. There was no formal

[1] Bernstorff's Report, January 29, 1820.

[2] Bernstorff's Reports, December 7, 1819, January 9, 1820; Bernstorff to Ancillon, March 4; Krusemark's Report, March 5, 1820.

[3] Bernstorff's Report, April 9, 1820.

prohibition against the participation by individual federal states in the European wars of the German great powers, and such participation was consequently permitted, since the individual powers retained the right to conclude alliances. The king of Prussia was but ill-pleased by the partial success of his negotiators, and Metternich consoled him with a reference to the future, in which perhaps there might be concluded a perpetual alliance between Germany, Austria, Prussia, and the Netherlands.[1] It was not until a much later date, when the policy of peaceful dualism was shattered, that it was learned in Berlin what a scourge Prussia had manufactured for herself with this article 47, and how readily it could be misused by the majority of the Bundestag in order to involve the North German great power in the wars of the house of Austria. At this moment it would not have been possible to understand such fears. It was by all parties regarded as axiomatic that Austria and Prussia would always go hand in hand, and that the minor states would always prefer a convenient neutrality.

Not even in Vienna was the matter of the federal military system finally settled, for Austria dealt with the affair with her customary slackness. All that was decided was that the contingents of the smallest federal states should consist solely of infantry. Once again, as previously in Frankfort, Wolzogen had to conduct interminable negotiations with his colleague Langenau concerning the federal fortresses; but although the king, now as before, declared himself prepared, in accordance with Austria's previously expressed wishes, to vote for the fortification of Ulm, Metternich displayed no inclination to offend his South German neighbours by such proposals. The petty states even endeavoured to apply to the garrisons of the federal fortresses the sacred principle of the unconditional equality of all members of the Federation, and this although Prussia was justified by the terms of the European treaties in occupying Luxemburg jointly with the Netherlands, and Mainz jointly with Austria. With much labour and pain Prussia at length secured an agreement that these treaties should be recognised; and that Mainz, Luxemburg and Landau should be taken over by the Federation. As regards the fourth federal fortress, on the other hand, it was again impossible to come to terms. High Germany still remained without military protection, and the house of Rothschild continued to reap usurious gains by the use of the money which had been

[1] Hardenberg's Instruction to Bernstorff, January 22, 1820.

provided for the German fortresses.[1] How accurate a description had the crown prince Louis of Bavaria given of this federal policy, directed towards essentially false aims, when in his marvellous lapidary style he said: "Are we not harnessing our horse the wrong way about? We seem to oppose unity where unity ought to exist, against the foreign world; whereas we eagerly seek unity in internal affairs—for the suppression of freedom!" He did not know that his beloved Bavaria had in the matter of the federal military system proved just as refractory as the other kingdoms of the Confederation of the Rhine, and that Prussia alone had honestly and earnestly aimed at the defence of the fatherland.

The third portion of the final act (articles 53-65) opened with the statement, "The independence of the members of the Federation excludes, in general, the exercise of any influence by the Federation in the internal affairs of its members." It was only regarding the rights of subjects, about which the federal act had already given assurances, that the final act furnished certain "general provisions," the application of these being, however, expressly reserved for the individual states. In this connection, of course, the momentous article 13 of the federal act demanded the first consideration. To all the members of the conference it seemed beyond question that this article could be interpreted solely in a rigidly monarchical spirit; except for Trott and Fritsch, not one of them was suspect of liberal inclinations. The ultra-conservative sentiments of the assembly were greatly reinforced when, in the course of the winter, alarming intelligence began to pour in from southern and western Europe. In January, 1820, a revolt broke out in the Spanish army; in February occurred the murder of the Duc de Berry, the heir to the Bourbon throne; the edifice of legitimacy was crumbling everywhere, and the Bundestag dolorously agreed with Count Reinhard, who reported the assassination which had taken place in Paris, when he said, "Such an occurrence will cause the whole of civilised Europe to mourn."[2] Immediately afterwards, a sinister conspiracy was discovered in London, the disturbance spread all over Spain, and involved Portugal as well. The revolution once more raised its head in every corner of the world. All the more firmly was the

[1] Bernstorff's Reports, January 31, March 12 and 18, April 30, May 7 and 15, 1820.

[2] Reinhard, Note to the federal presidential envoy, February 18, Reply from the Bundestag, February 19, 1820.

determination maintained in Vienna to uphold the quiet of Central Europe. The conservatives of every land directed their hopeful glances towards the assembly of German statesmen. "The Vienna conferences are the anchor of safety," said Richelieu to a plenipotentiary of Emperor Francis; "by them, with God's help, will be effected the preservation of the order of society." [1]

None the less, even the proceedings concerning the representative systems were characterised by that conciliatory caution with which the Viennese deliberations were stamped throughout. It was only the two ultras, Berstett and Marschall, who demanded a comprehensive interpretation of article 13 in the absolutist sense.[2] Bernstorff, on the other hand, raised the counter-consideration, that several of the German princes were already bound by solemn pledges. Zentner absolutely refused to discuss any alteration of the Bavarian constitution. Even the king of Denmark, who had long hoped to abolish the feudal representative institutions of Schleswig-Holstein, at once had the declaration made that as a sovereign prince the form of his representative institutions was a matter for his own decision alone. Thus it happened that Metternich could not venture to return to the doctrine of representation expressed by him at Carlsbad. "We are not here engaged in renovation," he declared to one of his confidants; "we are building afresh, nous ne revenons pas sur nos pas." He wrote to Rechberg in January saying that it was impossible to uproot the forms which had, unhappily, during the last three years been implanted in Germany; let Würtemberg therefore, he said with a cynical humour which hardly concealed his ill-will, retain her constitution as a punishment!

The assembly felt that it was at least necessary for the nation to be appeased by the honourable fulfilment of article 13. Prussia therefore proposed that the Federation should furnish a general guarantee for the representative constitutions. Berstett opposed this, for the zealous centralist regarded the strengthening of the federal authority as open to serious objection, now that it might prove to the advantage of the rights of the nation. Since most of the other courts desired that the mediatisation of the nation should be strictly maintained, and that all direct contact between the Federation and its subjects should be carefully prevented, the conference was content with the indefinite prescription (article 54) that it was the duty of the Bundestag to see to it that article 13

[1] Krusemark's Report, March 27, 1820.
[2] Bernstorff's Report, December 25, 1819,

should not remain unfulfilled in any state of the Federation ; moreover, for every member of the Federation the right was reserved of demanding for its constitution a federal guarantee. This was followed by the well-meant proposal that the existing constitutions should be subject to alteration "only in accordance with the methods specified by these constitutions themselves." This suggestion was also opposed by Berstett as an attack upon the monarchical principle. Bernstorff, too, now showed some anxiety, on the ground that no one could say with certainty what constitutions still really existed in Germany! Was Prussia to pledge herself that the pitiable vestiges of the feudal estates in her old territories were to be abolished only with the consent of these estates? In that case a constitution for the realm as a whole would be impossible. "The new constitution," wrote the chancellor to Bernstorff, "must issue from the will, the wisdom, and the justice of the king alone." He therefore demanded complete freedom for the Prussian crown, and upon Bernstorff's proposal the conference gave article 56 the unimpeachable phrasing that "representative constitutions existing in recognised efficiency" could be altered only in accordance with constitutional methods.[1]

Next came the principal article of the new German constitutional law. The "monarchical principle," which in Carlsbad, in accordance with Würtemberg's proposal, had secured general recognition, and which was in fact essential to the existence of this federation of princes, was formally recognised as the rule for all the German territorial constitutions. Article 57 specified: "The entire state-authority must be centred in the supreme head of the state, and it is only in the exercise of certain definite rights that by a representative constitution the sovereign can be bound to accept the co-operation of the estates." Great was the delight of Gentz when the committee of the conferences had agreed upon this article. For so long a time he had been conducting a paper warfare against Montesquieu's tripartition of authority and Rotteck's popular sovereignty ; now he beheld all these anarchical doctrines "irrevocably overthrown" by a solemn decision of the German areopagus ; and since, judging after his kind as a publicist, he overestimated the importance of such struggles in the field of pure theory, he wrote with arrogant joy in his diary, under date December 14, 1819, "One of the greatest and worthiest

[1] Instruction from the Chancellor, December 25 ; Bernstorff's Report, December 31, 1819.

results of the negotiations of our time—a day more important than that of Leipzig!" His loyal follower, Adam Müller, also desired that the precious article should be adopted into the code of the general European constitutional law, and henceforward for three decades article 57 was by some passionately attacked and by others passionately defended from German professorial chairs as "the motto of the monarchical system." Its practical value was incomparably smaller than these doctrinaires assumed. Once again the amateur lawyers of the conferences had failed to find a definite legal form of expression for their sound political ideas. The wording of the article seemed so elastic that in case of need every one of the existing constitutions could be considered compatible with it, and Bavaria could agree to it just as readily as Saxony and Hanover. This announcement of the monarchical principle effected absolutely no change in existing facts; it was only with the system of purely parliamentary government, which in Germany now first began to secure isolated and impotent advocates, that the article was irreconcilable.

A like obscurity of ideas upon constitutional law was displayed when the conference turned to consider the right of the Landtags to vote supply. The deliberators vaguely recognised that no well-ordered system of national administration would be possible if the popular representatives were to be empowered at their discretion to veto any item of national expenditure. But as yet there had been no thorough discussion, either theoretical or practical, of the difficult problems of constitutional budgetary rights. No one had as yet mooted the simple question whether in reality the voting of the budget was the legal title in virtue of which the constitutional state provided for its expenditure; no one had drawn attention to the indisputable fact that by far the larger moiety of the expenditure of the German states (the payment of regular salaries, interest on the national debts, etc.) reposed upon older laws; and that consequently the popular chambers did not possess the right to overide these laws by the arbitrary refusal of supply. Gropingly the conference endeavoured to find a way out of the difficulty. Marschall proposed that the representative chambers should not be competent to refuse supply where this was indispensable to the fulfilment of the existing administrative laws. Yet thoughtful members of the conference could not but feel that the proposal of this extremist might readily be misused for the destruction of the budgetary rights of the Landtags. Ultimately it was considered advisable to pass over

this thorny question in silence, and to let the matter rest with the self-evident declaration (article 58) that no representative constitution could restrict the sovereigns in the fulfilment of their federal duties.

Among all the prescriptions of the new constitutions, to the timidities of the diplomatic mind there was none which seemed so dangerous as the publicity of the proceedings of the Landtags. There was full agreement in Vienna, as there had been in Carlsbad, that this demagogic monstrosity was utterly inacceptable. The ministers of the constitutional states gave vent to loud complaints concerning the unbridled character of parliamentary eloquence.[1] Everyone agreed that the unrestricted publication of such speeches conflicted with the wholesome provisions of the new press law; and Metternich expressed the opinion that the result of this abuse would be the irremediable destruction of every state with a population of less than ten millions. Nevertheless Zentner objected to the idea of any alteration in the Bavarian constitution. On this occasion also the ultras were defeated, and a half-measure was again adopted. Article 59 provided that the procedure of the Landtags must be careful to secure that, neither in the actual debates in the chambers, nor in the subsequent publication of these, should the legal limitations upon freedom of speech be transcended. The net result of all this was that the desired transformation of the German constitutional law amounted to very little more than empty words.

For the mediatised, the final act conceded the right of appeal to the Federation. All the other promises of the second portion of the federal act, however, after fruitless discussions, were referred to the Bundestag "for further elaboration"—for this humorous postponement until the Greek kalends remained always the ultimate resource when no agreement could be secured. It was only in respect of the paragraph in the federal act (article 18) which promised that common measures should be taken to maintain copyright that Metternich permitted himself a further notable proposal. Literary piracy, having been expelled from Prussia, continued to flourish undisturbed in Austria and in most of the petty states. Every volume of the great Brockhaus encyclopædia was immediately pirated by a Stuttgart firm, and it was in vain that the rightful publisher imprinted upon the title pages of the new edition Calderon's motto, "As the author wrote, not

[1] Bernstorff's Report, December 12, 1819.

as the thief printed." In the circles of the Old Würtemberg officialdom the favouring of reprinting was actually regarded as a patriotic duty, because the practice brought so much money into the country; and even among the lawyers the view still largely prevailed that reprinting was a natural right, because the idea of literary property was incapable of legal definition. A number of booksellers of standing, led by Perthes and Brockhaus, after vainly stating their grievances to the Bundestag, petitioned the Vienna conferences, Brockhaus recommending that a supervisory authority should be established in Leipzig, resembling the French "Direction de l'Imprimerie et de la Librairie."

The harmless proposal thus made by the honest liberal was now turned to the service of the aims of the higher police, this being done in an Austrian memorial which Metternich submitted to the conference. The memorial was unmistakably from the pen of Adam Müller, who resided in Leipzig as Austrian consul-general. It started from the principle that the censorship and the protection of literary property were inseparably associated. Where freedom of the press prevailed, the book trade was altogether beyond the scope of the civil law, whereas by the censorship the Germanic Federation "adopted printed matter as its very origin into the complete nexus of civil law, and refused to recognise any state of ideas pursuing an independent course beside the real state." Consequently the association of German booksellers, whose existence had been tacitly tolerated for a considerable period, must be recognised as a formal corporation and must be subjected to the strict supervision of a federal authority in Leipzig. No other writings than those which had been registered at this directorate general would enjoy legal protection. German booksellers in foreign lands could also join the corporation as associates, but only if they belonged to a state in which the censorship existed, for it would be manifestly unjust to treat the "outlaw" publishers of England and France on equal terms with the legitimate booksellers of Germany and Russia Such was the *Plan for the Organisation of the German Book Trade.* The aim was unmistakable; the censorship, which had as yet been introduced provisionally only, and for a term of five years, was quietly to be constituted a permanent institution of the federal law, and was to be recognised as the precondition of literary property. The conference, however, proved disinclined to strengthen the Carlsbad decrees, and the distinction between the legitimate and the outlaw booksellers was too subtle for it.

Adam Müller's proposal was allowed to lie on the table, an instructive specimen of Austrian legal wisdom.

The conference worked with unceasing diligence, although in pleasure-loving Vienna there was no lack of banquets and festivities. Day after day, at the long table in Metternich's anteroom, there assembled, now the committees, and now the plenum. It seemed as if the harvest had already been happily garnered when Würtemberg suddenly endeavoured to destroy the fruits of the long and laborious work of mutual adjustment. Ill-humouredly enough had King William hitherto given a free hand to his conservative minister Wintzingerode, who spoke with unconcealed contempt of "our admirable constitution," and who was endeavouring to regain the confidence of the two great powers. From time to time Metternich sent a didactic despatch to Stuttgart in order to strengthen the half-converted court in its good intentions, and in order to keep it in a state of salutary timidity by the display of the spectre of revolution. Writing to Trauttmansdorff, the Austrian envoy, he declared that in Germany the firm establishment of public order was even more urgently necessary than in France, for across the Rhine the revolutionary transformation of all property relationships had already been completed, "but the plans of the German demagogues are simultaneously directed towards a republic and an agrarian law." Then, in January, it was bruited abroad that the conference proposed to infringe the forms of the federal law, and simply to impose its decisions upon the Bundestag.

So precious an opportunity of posing once more as the advocate of freedom, and of tripping up his serene princely colleagues, was one which King William found it impossible to forego. Count Mandelsloh immediately received instructions to declare that the king would never agree to such a plan, that the two great powers could not be allowed to ignore the Bundestag. This was an unpleasant task to impose upon the peace-loving envoy, who passed all his evenings quietly enjoying himself in Metternich's brilliant salon, who in his reports could never lavish enough praise on the "urbanity" of the great statesman, and who from time to time would interweave into his despatches some such profound statement as, "Here, too, in my opinion, sunset is an extremely interesting moment." Mandelsloh did not dare to carry out the command. Not until Metternich proposed that the decisions of the conferences

should be incorporated in a federal supplementary act, not until March 4th, did the Würtemberger interpose the timid objection that it might be as well to secure the assent of the European powers which had signed the act of the Vienna congress. All the other envoys furiously protested against this view, so that Mandelsloh was forced to withdraw his observation. Meanwhile he had received express commands from Stuttgart that he was definitely to reject Metternich's proposal, and at length, on March 29th, he handed in a formal protest, appealing to the constitutional rights of the Bundestag, and referring once more to the possible veto of the guarantors of the congress act.

The coup had been long prepared. Whilst Mandelsloh was endeavouring to secure support from among his colleagues in Vienna, Wintzingerode had written to Munich, where Lerchenfeld attempted for a time to support Würtemberg's undertaking. In Frankfort, Wangenheim hawked round a memorial among the federal envoys, urgently warning them of the danger that a new instrument was about to be introduced into the federal constitution. The king journeyed to Weimar to seek the assistance of Charles Augustus, and to influence the czar through the instrumentality of his sister-in-law, the grand duchess Maria Pavlovna.[1] The unexpected blow at first caused lively anxiety in Vienna. Many even believed that all their labour had been wasted, since the final act could be adopted only by a unanimous decision. The two great powers, however, immediately resolved to encounter the Würtemberger in earnest. "It is necessary," wrote Bernstorff, "to show this monarch, whose designs are but ill concealed, that he would display himself as the openly declared enemy of all the rest of Germany"; and again, "he is endeavouring to break up our union, but this will lead only to his own disgrace; we leave him as his only choice to join us, or else to leave the Federation as an enemy, for otherwise Capodistrias would triumph!"[2]

Prussia had, indeed, good ground for annoyance. After all that had happened during these months, with Würtemberg's voluntary co-operation, this belated protest was merely a frivolous playing with the letter of the federal constitution, and the repeated reference to the foreign veto served to render the actions of

[1] Zastrow's Report, March 29; Goltz's Report, April 25; Bernstorff's Report, April 9, 1820.

[2] Bernstorff's Report, March 27; Bernstorff to Ancillon, March 27, to Hardenberg, March 27, 1820.

the Stuttgart court even more open to suspicion. Was all the weary and distressing business of the Viennese negotiations to be recommenced in Frankfort? Were these princes who, through the instrumentality of their ministers, had just effected the long promised elaboration of the elements of the federal constitution, and who in doing this had conscientiously observed the voting-regulations of the Bundestag, now to have the completed work examined, and perhaps altered, by their own federal envoys? Certainly the dignity of the Bundestag would suffer if it were compelled to adopt the Vienna decisions without discussion; but what would become of the dignity of the German sovereigns if this congress of envoys, which was dependent solely upon the instructions of its mandataries, were to be allowed to exercise a higher authority, overriding that of a free union of all the German governments? What result was likely to be secured by a renewed deliberation in Frankfort? One only, that Wangenheim (supported, perhaps, by the orators of the South German chambers) would subject the decision of the conference to malicious criticism, and ultimately, after arousing much vexation, would reluctantly adhere to the decision of the majority. Metternich thoroughly understood his opponent when he wrote to Emperor Francis, "The matter is to go through in the end, but the king desires it to appear as if he submitted to force."

All the courts without exception shared this view. King William had no success in Weimar; while the Bavarian ministerial council rejected Würtemberg's proposals, after Wrede, unquestionably commissioned by King Max Joseph, had spoken decisively in favour of loyalty to the Federation. All the members of the conference exchanged written pledges not to separate until the final act had been definitively established, and not to tolerate any further discussion at the Bundestag. Austria undertook "to press the refractory court hard," as Bernstorff phrased it.[1] Both Emperor Francis and Metternich wrote to Stuttgart, declaring most emphatically that the conference would never allow the Bundestag to undertake a revision of the agreement that had been secured; moreover, the court of Vienna was far, they said, from proposing that the Vienna decisions should, like the Carlsbad decrees, be brought before the Federation as a presidential proposal, for, since all the members of the Federation had taken an equal share in the work, the Hofburg was unwilling to appear as the sole lawgiver. This language proved efficacious.

[1] Bernstorff's Reports, April 2 and 3, 1820.

In a smooth answer (April 14th), Wintzingerode announced his assent to the views of the conference, and endeavoured to represent the whole dispute as a misunderstanding. In order to build a golden bridge for the defeated enemy, the name "supplementary act," which was offensive to the Würtembergers, was then suppressed, and it was further arranged that the final act should not be formally ratified in Vienna, but that this ratification should be effected subsequently in Frankfort, the act becoming a federal law in virtue of uniform instructions to the federal envoys. King William personally wrote a subservient reply to Emperor Francis, and since he had nevertheless to find some vent for his spleen on account of the reverse he had sustained, he overwhelmed Trott with distinctions, and shortly afterwards recalled the unhappy Mandelsloh with every sign of disfavour from his post as envoy to Vienna, an action which the Hofburg took much amiss as proof of ill-will.[1]

On May 24th the conferences were closed, and after the conclusion of the Viennese drama it was necessary that the satyrs of the Bundestag should begin their torch-dance. How many pointed observations regarding their inactivity had these unfortunates had to endure meanwhile from the liberal press. On April 10th, the prolonged recess having at length come to an end, the Bundestag reassembled in private sitting, and resolved, in accordance with instructions received from Metternich, that it would continue for the present to hold private sittings only, since the Vienna conference was not yet finished. Meeting again on April 20th, it was decided to hold a further private sitting a week later. Goltz, however, sadly admitted that this was only done "to palliate the enduring inactivity of the assembly in the eyes of the public"; the state of affairs was distressing and was compromising before the world; it would indeed be still worse if it were to devolve on the Bundestag to complete what had been left unfinished at Vienna, for then beyond question nothing would be accomplished! Thus things went on, in inviolable privacy. Again and again the Prussian envoy complained of the "entire lack of matter for discussion."[2] An opinion from Würtemberg regarding the exterritoriality of the Mainz committee of inquiry, a notification from Denmark that two censors had been appointed for Holstein—such state-secrets constituted the only

[1] Krusemark's Report, June 10 and 21; Küster's Report, June 13 and July 4, 1820.

[2] Goltz's Reports, April 11 and 25; Küpfer's Reports, May 12 and 23, 1820.

subject-matter of these confidential deliberations. At length, on June 8th, for the first time this year, the Bundestag held a public sitting. The assembly "formed itself into a plenum," and the Vienna final act was read. After a brief presidential address, the two great powers declared their assent, and subsequently the representatives of the remaining sixty-one votes exhausted all the floral wealth of German official rhetoric in saying, as previously arranged, precisely the same thing in various different ways. Würtemberg alone was unable to refrain from prefacing its assent by a few malicious observations regarding the irregularity of the procedure. Wintzingerode felt that this partial contradiction was an infringement of the pledge that had been given, and therefore simultaneously assured the Austrian cabinet that the declaration had previously been sent to Count Mandelsloh in Vienna, but had unfortunately failed to arrive in time. Metternich administered a sharp reproof to the eternally quarrelling petty court, demanding why Würtemberg must once again disturb the general harmony "in a case where all wished the same thing." [1] Thus it was that on the fifth anniversary of the federal act the second and last fundamental law of the Germanic Federation was adopted.

The best criticism of the work was to be found in the remarkable fact that, with the exception of the court of Stuttgart and of the two ultras Marschall and Berstett, all the participators were or appeared to be satisfied with it. Charles Augustus had contemplated the Viennese negotiations with profound anxiety, and had empowered Fritsch to withdraw under protest in case of need, should the conference endeavour to interfere with the internal life of the individual states. He now saw, however, that in essentials everything remained as before. Thankfully recognising the moderation of the great powers, in the spring he went to Prague to visit Emperor Francis, who gave the duke a very friendly reception, and seemed to have completely forgotten his former anger against the Old Bursch.[2] The senates of the free towns, which were in such bad odour at the court of Vienna, also breathed more freely, and the ardent expressions of gratitude which at the close of the conferences Hach directed to the house of Austria were beyond question honestly meant.

[1] Wintzingerode to Metternich, June 9; Metternich's Reply, June 19; Küster's Report, Stuttgart, June 20 and July 3, 1820.

[2] Piquot's Report, Vienna, June 21, 1820.

On his return to Munich, Zentner was overwhelmed with favours by the king, and was immediately appointed minister of state.[1] The cabinet of Berlin was almost equally well satisfied. Bernstorff's straightforward and amiable conduct had overcome many of the prejudices against Prussia which the minor courts had continued to cherish even after the wars of liberation. The newly established friendly relationship with Bavaria seemed to promise a tranquil course for federal policy, and Ancillon wrote happily to Munich: "The final act has solved as successfully as was possible in the circumstances the problem of reconciling the sovereignty of the individual states with the power of the whole." [2]

It was impossible for Metternich to look back with like satisfaction upon the conferences at which so many of his most cherished plans had been quietly buried. Often enough he had had to learn what a tough passive resistance was offered in this motley German community of states to any far-reaching resolve. He knew that he was not speaking the truth when on May 17th he wrote to the Emperor, quite in the arrogant tone of Carlsbad, saying: "A word spoken in Austria becomes an inviolable law throughout Germany. The measures adopted at Carlsbad will now first enter upon their genuine life." Nevertheless he had good reasons for considering his success by no means entirely unsatisfactory. In the existing situation of Old Austria, in appearance so mighty and enviable, and yet staggering under the impossible task of ruling Germany, Italy, and Hungary, the Hofburg must rest content if the Germanic Federation should continue to make tolerably easy progress along the beaten track. Metternich's masterful conduct in Carlsbad had served only to alarm the minor courts, whereas his accommodating and conciliatory behaviour in Vienna secured for him a confidence which was far more valuable; and at this moment, when the revolution broke out in southern Europe, it was indispensable to avoid all dissensions in Germany. In view of his personal character, and in view also of his position as Austrian statesman, it was impossible that he should ever cherish positive plans for the promotion of our national welfare. It would suffice, therefore, that at Frankfort, as of old at Ratisbon, the mill-wheel should continue to turn with its regular murmur; it mattered not to him whether there was any corn being ground. In all seriousness, then, he wrote to a confidant that the conference had completed a colossal

[1] Zastrow's Report, June 7, 1820.
[2] Instruction to Zastrow, June 7, 1820.

task in a very brief period of time. With unremitting diligence he had delivered addresses and drafted articles; nor had his zeal been affected even by the death of a daughter to whom he was profoundly attached. It was not given to a Metternich to understand that all this empty verbalism was utterly futile.

After the conferences the nation found itself in a situation neither better nor worse than before, and it accepted the final act with great indifference. The edifice of the federal constitution, marred in its very inception, was ripe for the hands of the house-breakers; a few well meant but belated improvements were incompetent to render the structure secure. Yet how long a time was still to ensue before this generation, which had again relapsed hopelessly into particularism, was to recognise that what Ancillon extolled as "the reconciliation between the sovereignty of the individual states and the power of the whole" was neither more nor less than the quadrature of the circle!

§ 2. STRUGGLE CONCERNING THE PRUSSIAN CUSTOMS-LAW.

The main business of the conferences ended in a colourless compromise which was without any profound subsequent effect. Far more influential was an episode of the Viennese deliberations, the struggle concerning the Prussian customs-law. When Hardenberg was giving Bernstorff instructions, he once more impressed upon the latter that a federal customs system was impossible in the existing posture of affairs in the German states. He went on to repeat word for word the reply he had just given to the delegates of List's Commercial Union, and had the following statement published in the *Staatszeitung:* "The only solution of the problem is that individual states which consider themselves injuriously affected by present conditions should endeavour to enter into agreements with those members of the Federation through whose action, in their view, their troubles arise, and that in this way uniform arrangements should spread from frontier to frontier, aiming at the increasing abolition of internal barriers of separation." [1] In this way the commercio-political programme

[1] In the year 1865, when K. L. Aegidi, in his work The Days before the Customs-Union, published for the first time this passage from Bernstorff's instructions, the true history of the customs-union had already been utterly obscured by partisan fables, and the information was generally received as an astonishing disclosure. Yet the instructions contained no secrets, being couched in the precise words which had previously been published in the year 1819 in most of the German papers, as Hardenberg's official answer to F. List and his associates. Vide supra, p. 292.

of the Prussian government once again found unambiguous expression. Prussia, while firmly maintaining the customs-law, declared herself ready to grant access to her own customs system, or to grant commercial advantages to other federal states, by way of free conventions; but she also recognised (and herein consisted her superiority) that all complaints against internal tolls would get no further than empty words so long as the German states were unable to unite in the acceptance of a common customs-law.

Bernstorff was prepared to encounter vigorous resistance, for he knew that these sober-minded ideas of commercial policy, which have to-day become current coin, were then utterly incomprehensible to the great majority of the German courts. But the passionate outbreak of "odious prejudices" which he was fated to experience in Vienna exceeded his worst expectations. The frank ignorance of political economy characteristic of the epoch, held its saturnalia at the conferences, and almost the entire force of German diplomacy declared war against the Prussian customs-law. As soon as commercial questions came up for discussion, there was a complete change in party grouping. In nearly all other matters the Prussian plenipotentiary was supported by the majority of the assembly, but in the commercio-political discussions he was as completely isolated as in the field of military affairs, being regarded as the disturber of the peace of German unity. The very same courts which in all other respects eagerly endeavoured to restrict the scope of federal activities, hoped by means of an illegal federal decree to annul that valuable reform which had bestowed upon Prussian Germany the advantages of free trade. The sophistical contention was reiterated on all hands that the Prussian law conflicted with article 19 of the federal act, although this article merely contained a promise that the Bundestag was to "deliberate" concerning commerce and traffic.

Even well-wishers did not hesitate to declare that this unhappy law was the work of Prussia's evil genius, and that its universal outcome was to inspire the other states with mistrust and to alienate their affections. Prussia was sure to rue the day of its adoption! Strangely enough, the attacks of the incensed advocates of German commercial freedom were directed exclusively against Prussia, although other states of the Federation were guilty of the same crimes. Bavaria, like Prussia, had quite recently (July 22, 1819) promulgated a new customs-law, but no

one troubled to censure this. Again, the Austrian prohibitive system did not merely impose upon all commodities burdens far greater than those imposed by the Prussian law, but it further absolutely forbade the import of certain German wares, and in especial of Franconian and Rhenish wines. Not one among the German ministers took any exception to this. Metternich declared roundly to Berstett, "I consider that Austria is quite unconcerned in the commercial question," and the Badenese statesman accepted this assertion as self-evident.[1] The very passion of the minor states in the matter served to show how closely their interests were intertwined with those of Prussia, and how little concern they had in Austrian affairs. Some of the ministers of the small states advocated the idea of federal customs. Fritsch, for instance, had been instructed by Charles Augustus to do his best to secure the abolition of all customs-barriers at the federal frontiers, while Berstett continued to hold the opinion that the Federation could best allay the national dissatisfaction by proclaiming general freedom of trade. Others desired merely that there should be free trade in products of German origin, but neither these nor the advocates of general free trade had any idea how their designs were to be carried out. Against the foreign world, said Berstett cheerfully, every one of the federal states should be entitled to enforce whatever tariff it pleased, for it would suffice if the internal customs-barriers were abolished. These genuine enthusiasts were joined by certain members of the Federation who scarcely troubled to conceal their sordid motives. The duke of Coburg appeared in person in Vienna, resolved to veto the federal military organisation should he fail to secure unrestricted freedom of trade, but since the conference did not come to an understanding about the federal military law, his ingenious plan was frustrated. Still more arrogant was Marschall's behaviour. With the keen instinct of hatred, he suspected that the new customs legislation, the work of the "demagogic subalterns" of the Berlin officialdom, might some day secure for Prussia the hegemony of the north; by the destruction of the customs-law he hoped at once to humiliate this sinister state and to cut off the head of the snake of revolution.

Like views animated the court of Cassel, which had opened a tariff war against Prussia without even attempting to come to an understanding with its neighbour. By the law of September 17, 1819, the import and transit of many Prussian goods

[1] Berstett's Report to the grand duke, January 10, 1820.

was prohibited or subjected to heavy dues. The surplus yield of the increased duties was to be utilised for the advantage of the Hessian men of business who had helped to frustrate the Prussian customs-law—a promise which, it is needless to say, the avaricious elector never fulfilled. In Berlin there was at first some thought of retaliation. The king, however, adhered strictly to the promise that the Prussian customs were to apply chiefly to commodities of non-German origin, and desired whenever possible to avoid hostile measures against German states. Moreover, an opinion was issued by the ministry of finance that the Hessian retaliatory duties were extremely injurious to Hesse herself, but innocuous to Prussia, and "need therefore be opposed for form's sake only." The envoy in Cassel privately expressed these views to the elector. Meanwhile Prussia constructed the high road from Cologne to Berlin by way of Höxter and Paderborn, avoiding the passage through Hessian territory. The trade of the north-east with the south passed along the line from Hanau to Würzburg, and the Hessian roads were gradually deserted. The elector was forced to abate his retaliatory tariff, and all the more obstinately therefore did he desire to secure the passing of a federal decree which might destroy the customs-barriers of his invincible neighbour.

Among the opponents of Prussia the most coarsely outspoken of all was Duke Ferdinand of Coethen, a vain and frivolous man, who in the year 1806 had been forced to leave the Prussian military service on the ground of proved incapacity, and who now hastened to the town on the Danube in order to avert "the mediatisation of the ancient house of Anhalt." The real ruler of his little country was his wife Julia, Countess of Brandenburg by birth, and half-sister of the king of Prussia, a cultured and intelligent woman, immeasurably proud of her rank, with the strong Catholic predilections of the romanticist school. Since Metternich did not underestimate the value of such an ally, he had commissioned Adam Müller to act as Austrian chargé d'affaires at the court of Anhalt in addition to being consul-general at Leipzig, and the celebrated publicist of the ultramontane party soon became the indispensable adviser of the romanticist duchess. Müller's hatred of his Prussian home was inspired with all the fanaticism of the convert. His fertile brain conceived the design of a magnificent artifice of petty princely statecraft, which was to riddle the Prussian customs legislation from within, and was at least to make it impracticable in the province of Saxony. The

Elbe, for a few miles of its course, flowed through the land of Coethen, and the Elbe was one of the rivers concerning which the Vienna congress had agreed that there was to be "complete freedom of navigation." What a brilliant prospect opened for Coethen's power if the conference could be induced to make the freedom of the Elbe a federal affair at once and unconditionally! In that case the duke, although his territory was completely surrounded by that of Prussia, could initiate an independent European commercial policy, misusing the freedom of navigation on the Elbe in order to establish a smugglers' alsatia in the heart of the Prussian state, flooding the hated neighbour with contraband, and perhaps forcing it to change its customs system. Eagerly did the petty sovereign pursue this friendly scheme. He was undisturbed by conscientious scruples, and was quite unable to grasp the distinction between power and impotence. Repeated and well-meant invitations that he should voluntarily join the Prussian customs system had been all bluntly rejected in the vulgar and clamant tone characteristic of the despatches of this court. "Anhalt," he proudly declared, "can seek its salvation only in the general union of European states based upon international law and in the resources which its geographical situation offers in the matter of great rivers."

Most of the plenipotentiaries of the other states complained more or less strenuously of "the selfishness of the only member of the Federation which imposed obstacles upon the realisation of the ideal of German commercial unity." The Hansa towns alone, satisfied with their cosmopolitan commercial position, coldly rejected all attempts at the initiation of a common German commercial policy. Zentner, likewise, once more distinguished himself by circumspection, refusing to sacrifice the new Bavarian customs-law to the shapeless phantasm of a general freedom of trade whose conditions were still entirely unknown. Metternich, on the other hand, with an ill-concealed and malicious joy, hounded on the minor states against Prussia. The Viennese court was an adept in making use for its own purposes of that dread of Prussian ambition by which they were all profoundly influenced. In October, Count Bombelles, acting on express orders from Emperor Francis, had threatened the grand duke of Weimar that, unless the Carlsbad decrees were strictly enforced everywhere, the two great powers would be compelled to secede from the Federation, and that the emperor would then find it necessary to secure for his Prussian ally "a more powerful position in

Germany." [1] No less unscrupulously did Metternich now utilise the jealousy of the minor courts in order to resist Prussia's commercial policy. He could not indeed venture to furnish open support to the opponents of his indispensable federal ally, especially considering that he did not desire to effect even the most trifling alteration in the Austrian customs-system. But he secretly encouraged the aggrieved parties, and instilled into their minds the idea that the Prussian customs-law was the work of a faction whose aims had nothing whatever in common with "loyal federal sentiment." [2] He had summoned to Vienna as commercio-political adviser Adam Müller, the originator of the Anhalt smuggling scheme.

The nation was just as far as were its statesmen from having attained clarity regarding the problem of customs unity. After the Carlsbad experiences, it had no agreeable anticipations regarding the political outcome of the conferences. It was only the abolition of the internal tolls, and in especial of the Prussian customs-barriers, which seemed to all parties a modest desire that could readily be fulfilled through the exercise of a little goodwill on the part of the governments. A pamphlet entitled *Candid Words by a German of Anhalt* gave drastic expression to the view held by nearly all non-Prussians regarding the commercial policy of Berlin. The author, whose intentions were plainly good, considered that to describe as enclaves those states which were surrounded by Prussian territory touched the honour of the regions thus situated, and he declared that it was absolutely contrary to law for Prussia to tax "foreigners." The condemnation of public opinion must assist the cause of "truth and justice" to its inevitable victory.

List appeared at the conference as spokesman of the merchants and manufacturers, attended by his faithful associates J. J. Schnell and E. Weber, and submitted a memorial whose lofty patriotic emotion seemed strangely out of place in the atmosphere of narrow-minded particularist and self-seeking policy characteristic of the Viennese assembly. In eloquent phraseology he declared that the complete independence of the individual states was incompatible with the unity of the nation; the Federation must provide the blessings of free trade for thirty million

[1] This information was given personally by Count Bombelles to his Prussian colleague in Dresden, von Jordan (Jordan's Report, October 18, 1819.)

[2] At a later date Metternich was reminded of these utterances by Marschall (Marschall to Metternich, September 10, 1820).

Germans, and thus create a genuine federation of the German nation. What, then, was the practical proposal which followed these spirited words? List demanded that the German states should farm out their customs to a joint-stock company, and guaranteed that the shares would be taken up; this company would found the German federal customs system, and would relieve the governments of all trouble regarding vexatious details! Strange indeed was the ardent patriot's splendid self-deception. He maintained that Prussia was inclined to abandon her customs-law, although he had just received an official assurance from Berlin to the contrary effect. He was suspiciously shadowed by the Viennese police, and wrote home saying, "We are surrounded with spies on every side, quartered upon one spy, and served by another." [1] He knew that Metternich had declared in the conference that no negotiations were to be tolerated with the individuals who gave themselves out to be the representatives of the German commercial class, because the Bundestag had already condemned the German Commercial Union as an illegal and inadmissible undertaking. But none of these things disturbed his touching confidence. When even Adam Müller now expressed a favourable opinion regarding a memorial by List on German industrial exhibitions, and when, in an audience, Emperor Francis assured the indefatigable agitator that the Austrian government would gladly do all it could to advantage the German fatherland, he imagined that he had now well-nigh attained his end, and wrote: "The eyes of all are now turned towards the imperial Austrian government. How Austria's noble-minded and philanthropic emperor would renew the bonds of attachment between the German-speaking peoples if so great a benefit were to be received by them at his hands!" When this hope likewise proved delusive, he turned his sanguine expectations towards the South German courts, considering that his cause had only gained by the delay.[2] Thus it was that this distinguished patriot grasped at every straw; while the Prussian customs-law, which was to prove the keystone of our economic unity, seemed to him, as to almost the entire nation, a source of destruction.

In the conference, Marschall opened the campaign by a memorial dated January 8th, which overwhelmed the Prussian state with such coarse abuse that Bernstorff returned it to its author. By the new customs institutions, declared this work,

[1] List to his wife, Vienna, February 18, 1820.
[2] List to his wife, March 15, 1820.

an attack was made upon the property rights of hundreds of thousands of individuals, whose property was thereby diminished. The Nassauer went on defiantly to demand the abolition of all dues that had been introduced since the year 1814, and the immediate fulfilment of the decisions of the Vienna congress concerning the navigation of inland waterways; for the rest, he demanded complete freedom for every German state to impose what tariffs it pleased upon foreign imports, so long as no internal tolls were enforced. The last proposal was preposterous, for no isolated state could protect itself against the foreign world if its interior German frontiers remained unguarded, but this manifest truth escaped Marschall's notice. He was like a blind man talking of colours, for Nassau had no frontier dues at all.

Then Berstett renewed his old complaints against the internal dues, and distributed among his colleagues Nebenius' brilliant memorial upon the federal customs. But a calm consideration of the question could not fail to convince anyone that a federal customs administration was impossible, and even the Badenese minister dropped the plan of his talented subordinate.[1] There followed new and savage attacks by Marschall, so gross and uncouth that at the close of the conferences Bernstorff wrote to the Prussian federal envoy: "It would be beneath the dignity of our court to manifest any personal indication of wounded sensibilities towards this man who in no respect whatever is deserving of notice." Goltz, therefore, was indifferently to hold aloof from his colleague of Nassau. Next Fritsch, in the name of the Thuringians, entered a protest against Prussia's enclave system, and demanded that every producer should be allowed to dispose of his commodities freely throughout Germany, and that every consumer should be permitted to supply his needs by the nearest possible route. Meanwhile the duke of Coethen, whose arrogant conduct Bernstorff found it impossible to describe in adequate terms, intervened with repeated passionate protests.[2] He complained that he had to endure all the burdens of the Prussian customs system while receiving none of its advantages, whereas in fact all he had to do was to accept Prussia's offers, and all these advantages would accrue to him. He threatened to appeal to the foreign guarantors of the federal act for the protection of the cause of the ancient house of Anhalt, "a cause sublime beyond the possibility of attack." Ultimately, he absolutely refused to

[1] Bernstorff's Reports, January 16 and February 6, 1820.
[2] Bernstorff's Reports, April 22 and May 7, 1820.

subscribe to the final act unless the Federation would secure for him " free communication with Europe," saying, " So long as the dukes of Anhalt find themselves in a condition of oppressive and involuntary tributary dependence upon a powerful neighbour state, as far as this old princely house is concerned there can be no federal act, and consequently no final act."

During this dispute Bernstorff maintained a distinguished calm and an upright candour. He openly complained that by its vaguely worded promises the federal act had awakened expectations that could never be fulfilled. All dishonourable suggestions were firmly and proudly rejected by the Prussian minister; there could be no question about the repeal of the new law. At the same time he was never weary of reiterating in new circumlocutions the ideas previously published in the *Staatszeitung*. It was impossible, he said, that such a union should be secured in any other way than as the outcome of gradual preparation, and through the most laborious effectuation of a compromise between conflicting interests. Nothing but treaties between the individual states could put an end to the existing economic troubles. " If this happens both in the south and in the north of Germany, and if these endeavours are made with the co-operation and under the ægis of the Federation, we may well hope that by this route (doubtless a tedious one but perhaps the only one practicable) we may arrive at the abolition of the existing barriers, and in respect of trade and traffic may secure such a unity of legislation and administration as is possible to an association of free and distinct states like the Germanic Federation." To the invectives of the duke of Coethen he dryly replied that in Dresden a conference of the Elbe riverine towns had now been sitting for several months, and it was there alone that the question of the freedom of navigation upon the Elbe could be settled.

This was indeed a historic moment. The great struggle of two centuries, the old irreconcilable opposition between Austrian and Prusso-German policy was renewed in these inconspicuous negotiations, without the protagonists themselves being aware of the profound significance of the dispute. Who can fail, in this connection, to be impressed with memories of the Frankfort diet of princes of 1863? On one side was the house of Austria, followed by the serried forces of the enthusiasts and the particularists, receiving the jubilant approval of the liberal world, uttering to the nation promises of some indefinite happiness, promises whose only defect was that they were empty phrases,

On the other side was Prussia, bearing the ill-will of the nation, and opposing a frigid negative to the high-flown plans of her adversary. Yet behind this negative and apparently barren attitude was the sole idea which could bring us salvation. The whole future of German politics depended upon the triumph of Prussia's clear-sighted honesty over this alliance between obscurity and the spirit of untruth. And Prussia was victorious.

Since the opposition was united only in its hatred and was not agreed upon any positive idea, in the commercio-political committee of the conference Bernstorff secured a decisive success as early as February 10th, inducing the committee to restrict its proposals to certain resolutions " which shall be rather preparatory than decisive, and which shall not prematurely occupy the ground of any future federal decisions." [1] Consequently the committee went no further than to propose that the Bundestag, in accordance with article 19, should consider the furthering of commerce to be one of its principal aims. It was only regarding the freedom of the grain trade, which Prussia had advocated three years earlier in Frankfort, that all members of the committee seemed finally agreed, and the committee proposed that the question should be settled by a speedy understanding. On March 4th, when these propositions were read in the conference, as soon as the name of the Bundestag was mentioned, one of those present broke out into loud laughter, wherein the entire assembly cheerfully joined. Yet these very statesmen, who thus so plainly manifested their judgment regarding the functional capacity of the Bundestag, had quite recently still arrogantly hoped to annul the Prussian customs-law by a federal decision ! The committee's proposals were adopted, and in order to gain over even the refractory duke of Coethen a separate protocol was added, in virtue of which the participating states pledged themselves to maintain inviolably the decisions of the Vienna congress regarding river-navigation, and to conduct vigorous negotiations to secure this end.

A separate protocol was also added regarding the freedom of the grain trade, but Metternich in the end frustrated this solitary valuable design upon which all parties were agreed. He continually postponed the final decision, and when at length the conference desired to settle the matter, it appeared that Emperor Francis, to the lively regret of his minister, had already left for Prague. Bernstorff innocently reported a few days later that

[1] Bernstorff's Report, February 11, 1820.

his majesty's reply had still failed to come to hand.[1] The conference had to break up without coming to a decision upon this protocol. It was not until the middle of June that the Austrian answer reached the Bundestag. The good emperor, who had spoken so paternally to List regarding the welfare of the German fatherland, now laconically declared that the Vienna protocol "was properly speaking intended solely to provide for the further development of the principles therein expressed"; consequently no formal agreement to this protocol was necessary, but that the postponed deliberations at the Bundestag should now immediately begin. This therefore took place. In his presidential address Buol sang the praises of free trade in grain, but expressed himself in such extremely general terms that even the unsuspicious Goltz immediately remarked that Austria had some secret design.[2] The Bundestag therefore set to work with its usual assiduity, and three months later (October 5th) resolved to ask for information regarding the condition of legislation in the individual states. Free trade in grain vanished into that mysterious abyss in whose profound were stored the for ever uncompleted federal decisions. Such were Austria's loving services on behalf of German free trade.

The course of the conferences confirmed in every respect Bernstorff's prediction that it was impossible for a federation devoid of political unity to pursue a common commercial policy. In view of these experiences, some of the South German statesmen at length began to lend a friendly ear to Bernstorff's counsels. The economy of the German highlands, in their straitened situation between the customs-barriers of France, Austria, and Prussia, could hardly breathe any longer, especially since, with the exception of Bavaria, not one of the South German states possessed an ordered customs system. The question now became pressing whether an attempt should not be made to unite this dismembered area into a commercio-political sonderbund, to do the very thing for which the Prussian state had just been reproached as a breaker of the federal peace. Du Thil was the first to suggest such a plan, and subsequently the court of Darmstadt was glad to plume itself on this service.[3] But it was through Berstett's lively activity that the idea first gained energy. Like

[1] Bernstorff's Report, May 31, 1820.
[2] Goltz's Report, June 20 and 27, 1820.
[3] Councillor von Hofmann, to President von Kraft in Meiningen, Darmstadt March 20, 1828.

du Thil, the Badenese statesman cherished the honest hope that "a whole would gradually arise" out of this sonderbund; for the present he had also in mind retaliations against the Prussian duties, and gave a blunt refusal when Bernstorff assured him that Prussia would gladly conclude commercial treaties with a South German customs-union. Marschall, too, joined in the scheme only because he anticipated that South Germany would now with united energies initiate a tariff-war against Prussia. Würtemberg, finally, toyed with trias plans, and hoped that the commercial union would lead to a political league of constitutional "pure Germany"—an idea which found favour neither in Munich nor in Darmstadt.

Thus great being the differences of political aim, after tedious confidential negotiations the success attained by Berstett was but mediocre. On May 19th, the two South German kingdoms, Baden, Darmstadt, Nassau, and the Thuringian states, exchanged pledges that in the course of the current year they would send plenipotentiaries to Darmstadt, there to discuss the formation of a South German customs-union upon the basis of a draft-agreement. The cautious Zentner, who had to safeguard his Bavarian customs-law, absolutely refused to go any further than this. Still, a path had now been entered which might perhaps provide an escape from the miseries of the internal tolls. The liberal press gratefully hailed the patriotic action of its favourites. List, the optimist, considered that the ideal of German customs unity was now approaching realisation, and when shortly afterwards he visited Frankfort he found his patron Wangenheim in an intoxication of delight, for pure Germany was at length acting as torchbearer to the entire nation![1] Less sanguine, but thoroughly friendly, was Bernstorff's view of the intentions of the South German courts. He assured Berstett of his approval, for if the middle-sized states should be able on their own initiative to set their chaotic commercial life in order, it might be possible subsequently for them to effect an understanding with Prussia. He wrote to the king saying that although the undertaking was not free from a number of hostile political and economic *arrières pensées*, Prussia had no reason to disapprove of it, especially seeing that it was extremely doubtful whether it would be carried to a successful issue.[2]

The attempt to annihilate the Prussian customs-law by an

[1] List to his wife, Frankfort, August 22, 1820.

[2] Bernstorff's Reports, January 29, 1820, and subsequent dates.

exercise of the federal authority had miscarried. Meanwhile, however, the duke of Coethen cheerfully continued his smuggling war against the Prussian tolls, thus at the same time hindering the negotiations concerning the Elbe navigation. How often had foreigners made mock of the *furiosa dementia* of the Germans, who imposed tariffs to close their magnificent rivers to themselves! Only since France had seized the left bank of the Rhine had this proverbial trouble of Germany been somewhat mitigated. In the year 1804, the oppressive Rhine-dues were replaced by the Rhenish octroi, whose principal aim was merely to provide for the necessary expenditure upon the upkeep of the banks and the towing paths, and this new ordinance worked so well that the Vienna congress extended its application to the other German rivers upon which traffic was regulated by convention. Since then navigation on the Weser had in fact been freed; after a long dispute with Bremen, Oldenburg had at length been induced by the mediation of the Bundestag to abandon the illegal Elsfleth tolls (August, 1819). The relationships between the ten riverine towns of the Elbe were more difficult to adjust. Articles 108-116 of the Vienna congress act, which had been edited by W. Humboldt, enunciated the principle that navigation was to be free upon the rivers in which traffic was regulated by convention, this meaning that no one was to be hindered from navigating these rivers; while the duty was imposed upon the riverine states of initiating negotiations within six months to secure a uniform and fixed navigation tax whose scale should approximately correspond to that of the Rhenish octroi.

It was plain that these excellent promises could materialise only if the levying of the navigation tax were, in accordance with the express prescription of article 115, to remain completely detached from the customs system of the riverine states, and if there should be instituted a strict riverine police system to prevent all concerned from misusing the privileges of free navigation in order to promote a smuggling traffic with their neighbours. It was only upon such conditions that Prussia, who regarded the above-mentioned article of the congress act as her own work, could lend a hand to its being carried into execution. How was it possible, as a Prussian state-paper subsequently asked, to expect a powerful state "to tolerate a worm gnawing at its vitals, eating away the inmost roots of its life?" [1] Neither the promised freedom of Elbe navigation nor the proper yield of the Prussian

[1] Instruction to Nagler, February 27, 1827.

import duties could be secured, unless Anhalt, which was completely surrounded by the province of Saxony, were to join the Prussian customs system. After the Old Dessauer had purchased all the landed estates of his domain, agriculture and forestry had continued to prosper in the little land of Anhalt under the careful supervision of its princes, and all the natural interests of this area, in which agriculture and arboriculture flourished, but in which manufacturing industry was still entirely lacking, demanded that it should enjoy free trade with the adjoining industrial regions of Prussia. The sole obstacles in the way of an agreement were the insane sovereign arrogance of the duke of Coethen, and the more far-sighted hostility of his counsellor, Adam Müller. The duke angrily rejected the "suggestions of accession" to the Prussian customs made by the Berlin cabinet. Was it impossible for people to see, he asked on one occasion, "that the utter unnaturalness of such a state of affairs, the subordination of a sovereign prince to the customs administration of a neighbouring state, was altogether unfavourable to the existence of friendly relationships with the government of that state!" [1]

Since nothing could be effected with this court by the influence of reason, Prussia contented herself for the present with maintaining her enclave system against Anhalt. The Prussian import duties were imposed upon all goods proceeding to Anhalt by land, but the shippers upon the Elbe were allowed to furnish security for the payment of the Prussian taxes, the charge being remitted when evidence was produced that goods had been left in Anhalt.

The outcome of the mitigation was shameless fraud. The Anhalt smuggling traffic increased month by month, and the Prussian financiers impatiently awaited the regulation by treaty of these intolerable conditions; until at length in June, 1819, four and a half years later than had been prescribed by the Vienna congress, the Elbe navigation conference was opened in Dresden. There Hamburg and Austria zealously advocated the liberation of the river, which could indeed bring them nothing but advantage, for the Hansa towns imposed no taxes on navigation, while the yield of the high taxes on the Bohemian section of the Elbe was but trifling, since there was little traffic upon the uppermost reaches of the stream. But Denmark, Mecklenburg, and Anhalt

[1] Despatch from the ducal government of Coethen to Count Bernstorff, March 27, 1823.

were more difficult to deal with. Most obstinately of all did Hanover defend the *status quo*, for the Guelph kingdom generously left the trouble and expense of maintaining the waterway of the Lower Elbe to the Hamburg senate, while in Brunshausen, near Stade, a few miles above the mouth, Hanover itself exacted high dues from all vessels entering the river. The Hanoverian plenipotentiary entered a formal protest against any attempt to interfere with these property rights of the Guelph crown, on the ground that this was a marine customs duty which had nothing whatever to do with the question of Elbe navigation, and on the further ground that it could not possibly have been the intention of the Viennese assurances "to shatter the basis of all national happiness, the right of property." Discussion was useless; the conference had to leave the Stade tolls quite out of the question, and to confine its endeavours to facilitating navigation above Hamburg. After the negotiations had lasted for two years, during which the Prussian plenipotentiary had often been reduced to the verge of despair, on July 23, 1821, the Elbe navigation act at length came into existence—an inadequate compromise, whose form and content displayed traces of arduous struggles. Still, the navigation taxes were somewhat reduced, and traffic upon the stream soon began to increase.

Throughout this intolerable dispute the Prussian government maintained a conciliatory attitude, although Mauve, the Prussian representative, was by no means distinguished for the conciliatoriness of his methods. Prussia abandoned her transit dues on the Elbe traffic, although these constituted an important asset in her commercial policy, and was ready to reduce the navigation taxes to a lower figure than her smaller neighbours desired to concede. She declared, however, from the first that she would not tolerate the existence of a smugglers' alsatia within the interior of her own state, and that consequently she could not subscribe to the Elbe navigation act unless Anhalt would adhere to the Prussian customs system. The plenipotentiary added warningly that it was to the personal interest of the minor governments to support the customs system of their great neighbour, "since in this way the disadvantageous consequences of the existing disintegration of Germany will be mitigated in their favour." Fierce was the wrath of the duke of Coethen when he was informed of this unprecedented manifestation of Prussian arrogance, and when simultaneously Bernstorff, in a new hortatory despatch to the Coethen government, openly declared "the

North German states have to look to Prussia for protection of their existence, of their welfare and independence, and of their institutions for the common weal." [1] The duke, who was at Carlsbad with his royal brother-in-law, immediately reported everything to Marschall. "I flatter myself," he wrote, "that all right-thinking persons are on my side, and that they will all refuse to agree that Prussia can be permitted to do anything she pleases. I do not enter into the question whether confidence can be placed in a cabinet represented by such a man." He scornfully continued, "The most ridiculous feature of all is that the king is just as friendly with us as usual," and he went on to beg the Nassauer to bring influences to bear upon Wittgenstein, "who is entirely well-disposed," to secure the overthrow of the party favouring the customs-law. Marschall replied in a similar strain: "Hitherto such phrases have indeed been heard in the mouths of German revolutionaries, but never in that of the representative of a German king. If Prussia protects northern Germany and all Germany, conversely, northern Germany and all Germany protect Prussia. Rights and obligations are thoroughly mutual. Whoever maintains the opposite, infringes the first and chief basis of the Federation, and moves to a region outside its orbit. In especial, the most powerful of the German federal states has on every possible occasion plainly expressed the opposite principle, at once in the Federation and in Europe, and has applied it in practice whenever opportunity has arisen." [2]

Meanwhile this most powerful of the federal states continued to play a double game. Metternich, who was also in Carlsbad, did indeed, in accordance with Prussia's desire, hold a few conversations with the duke, ostensibly in order to accommodate the quarrel.[3] But at the same time the Coethen government sent in a complaint to the Bundestag, and demanded the release of a ship employed in Elbe navigation belonging to a certain Friedheim, a merchant of Coethen, this ship having been impounded by the Prussian customs office at Mühlberg because the captain had refused to furnish security for the payment of the Prussian dues. It subsequently transpired, and Münch, the Austrian plenipotentiary in Dresden, was forced to admit the fact to the Prussian envoy, that Adam Müller had incited Friedheim

[1] Bernstorff to the ducal government of Coethen, June 30, 1820.

[2] Duke Ferdinand of Coethen to Marschall, Carlsbad, July 22; Marschall's Reply, August 3, 1820.

[3] Prince Hatzfeldt to Metternich, Carlsbad, July 10, to Bernstorff, July 14, 1820.

to this refusal in order that the dispute might be brought before the Bundestag.[1]

Since Prussia remained firm, the three dukes of Anhalt ultimately found it convenient to make a concession, and solemnly promised the Dresden conference " to offer to come to an understanding with Prussia, in any possible way, to secure the payment of the Prussian taxes." Trusting in this ducal word, Frederick William regarded the dispute as settled; he ratified the act and released the unhappy Coethen ship (so that the complaint to the Bundestag lost all substance). Bernstorff once more invited the courts of Anhalt to negotiate in Berlin regarding the conditions of their adhesion to the Prussian customs. Months passed, however, and no plenipotentiary from Anhalt put in an appearance. The duke of Coethen, who would take no denial, had succeeded in inducing his well-meaning cousins of Dresden and Bernberg, who were desirous of keeping their word, to change their minds. He led them to promise him not to accede to the Prussian customs system unless he did the same, and meanwhile he had arranged with Adam Müller for a new piece of trickery.

Since the Elbe navigation act was to come in force in March, 1822, Klewitz resolved that in January the enclave system against Anhalt should be temporarily suspended. The financial party in Berlin had long demanded this step, but Eichhorn, benevolently disposed towards the neighbour land, had hitherto prevented it. Consequently the three dukedoms were surrounded with Prussian custom-houses; but navigation on the Elbe was freed, as the act directed, Prussia contenting herself with the inspection of ships consigned to Anhalt. Adam Müller's sordid design counted upon this fidelity to the treaty on the part of Prussia Naturally the inspection of the ships on the Elbe became a mere farce when the Anhalters had made up their minds to act dishonestly. Several great English export firms arranged with Coethen merchants to undertake smuggling transactions in the grand style, under the protection of the duke. The whole little country became a smugglers' house of call, a place of assignation for the rogues and thieves of the German north. The great majority of the loyal Coetheners invoked blessings upon the head of their sovereign prince, who provided for them cheap commodities and rich profits through this unsavoury smuggling traffic. It was astonishing to note the sudden increase in the consuming capacity of the fortunate inhabitants, as if a shower of gold had

[1] Jordan's Report, Dresden, November 12, 1821.

fallen over the country. While the ratio of the population of Anhalt to that of Prussia was as nine to one thousand, the general consumption in Anhalt of imported goods became, when compared with that of Prussia, as sixty-four to one thousand, while the consumption of cotton goods, which in Prussia were subject to a high duty, became as 165 to one thousand. For drugs, on the other hand, which were but moderately taxed by the Prussian customs-law the Anhalters displayed less inclination, for here the ratio of their consumption to that of Prussia was no more than thirteen to one thousand. In this unnatural consumption, the ducal customs officials set a good example to the people. Customs inspector Klickermann of Dessau, as Prussia learned from the records of her Elbe customs offices, received during the year 1825 for personal domestic consumption the following goods which passed duty-free along the river: 53 hogsheads of wine, 4 hogsheads of rum, 98 sacks and one barrel of coffee, 13 sacks of pigment and pepper—about 1,000 cwt. in all. In the course of a year more than half a million thalers were withheld from the Prussian treasury through the Anhalt smuggling trade; when Anhalt was finally subjected to the Prussian customs system, the yield of the customs in the provinces of Brandenburg and Saxony promptly rose from 3,135,000 to 4,128,000 thalers.

In the long run, the possession of a sovereign crown devoid of power demoralises the wearer. How thoroughly must the sense of rectitude of the minor courts, which now recognised no supreme power competent to judge their actions, have undergone perversion, when this upright Ascanian house, which from of old had enjoyed a well deserved respect and which had sent so many of its valiant sons into the ranks of the Prussian army, now heedlessly and audaciously ventured to undermine the legislation of its former loyal protector by these gross malpractices. It was a misfortune that the honourable doyen of the united house of Anhalt, Leopold Frederick Francis of Dessau, of imperishable memory in his own land, had died shortly before. It is hardly likely that he would have tolerated the twofold breach of treaty, twofold because at the Vienna congress Anhalt had pledged herself to suppress smuggling, and because subsequently in Dresden she had solemnly promised to come to an understanding with Prussia.

In order to comply with this last obligation, ostensibly at least, in January, 1822, Duke Ferdinand at length sent his court chamberlain Sternegg to Berlin, instructing him to treat with

Hardenberg alone, for to speak to Bernstorff would be beneath the dignity of the Coethener. The chancellor, however, bluntly insisted that the envoy must apply to the foreign office, and there it became apparent that Sternegg was not empowered to make any offers concerning accession to the Prussian customs, but had come simply to hand in a demand for indemnification. By the reasonable standard of population, the damage to Coethen amounted to about 40,000 thalers for three years. The duke's figure was ten times this amount, and he expressed himself greatly astonished when Prussia entered the damage caused by the Coethen smugglers on the other side of the account. After prolonged and acrimonious discussions, the duke at length advanced the proposal that by a territorial exchange Prussia should provide for the Anhalt enclave permanent free communication with Saxony; if that were done, the three courts were prepared to adhere to the Prussian customs system experimentally for a few years. Bernstorff immediately and sternly rejected this "preposterous" suggestion, the negotiator was forced to withdraw, and Anhalt was left surrounded with Prussian customs barriers.[1] But the smuggling traffic continued to flourish as before, for the frontier supervision of Prussia was powerless in face of the ill-will of the ducal authorities. Although the court of Berlin was precisely informed concerning Adam Müller's intrigues, it was quite unable to believe that Prince Metternich approved the activities of his consul-general. Year after year the Prussian eagle patiently endured the bites of the Anhalt mouse, always hoping that the three dukes would at length fulfil their pledges.

And in this dispute, which displayed all the egotism, all the arrogance, and all the folly of particularism, the German press rallied to the support of the Anhalt smugglers like one man. The cry of distress of the free Coetheners was the cradle-song of German commercial unity, that unity which two generations later was to attain its final goal upon this same stream of the Elbe amid the lamentations of the free Hamburgers. With unprecedented blindness, the inhabitants of the petty states, at every turn in the confused struggle, took an erroneous view of their own welfare and of that of the fatherland, subsequently on each occasion, as soon as the dreaded accession to the Prussian customs system

[1] Bernstorff, Ministerial Despatch to the Anhalt governments, February 18, 1822. Reports of von Meyern, Badenese chargé d'affaires, Berlin, January 5 and 19, February 19, May 18, and October 22, 1822.

had at length been completed, to recognise with gratitude the necessity of the change. No less regularly did the particularist spirit conceal its egotism beneath the fine trappings of freedom, taking for its excuse, now freedom of trade, now the right of free and independent action on the part of the German tribes, and now raising both these pleas at once, and just as regularly was public opinion, dominated by liberalism, led astray by these exalted words of power.

Ineradicable prejudices against the Prussian customs-law co-operated with that thoughtless sentimentality which unreflectingly regards it as mean, in a struggle between strength and weakness, to take the side of the stronger. A contributory cause was the legal formalism of our political culture, owing to which people had no suspicion that in relationships between states, formal right is null if unsupported by living force. Was not Coethen just as much a sovereign state as Prussia? How could it be suggested to this sovereign state to accede to a customs system, which could indeed bring nothing but advantages in its train, and whose necessity was a logical consequence of the geographical situation of the smaller state, but which would conflict with the latter's right of free self-determination? If Coethen chose to utilise the freedom of the Elbe in order to inflict malicious damage upon her neighbour, in which article of the federal act was such a step forbidden? The consideration that by the Vienna treaties Anhalt had pledged herself to abolish smuggling, was tacitly ignored. Bignon, the old advocate of the German minor states, also entered the arena with an open letter upon the Prusso-Anhalt dispute. He dolorously complained that France could no longer as in former days exercise from the Lower Rhine supreme judicial functions over Germany; but, he said, "in the nature of things France is destined always to rule, and if she has lost the sceptre of power, she still wields the sceptre of public opinion." In the eyes of the sceptre-bearer of public opinion, Prussia, as was natural, could not find grace. It was by this path of usurpations, exclaimed Bignon, that long ago the house of Capet had proceeded step by step to effect the annihilation of the great vassals of France. The German liberals faithfully echoed the Bonapartist's warning.

The majority at the Bundestag likewise inclined a favourable ear towards the Coethen court's complaint, which was not withdrawn even after the liberation of Friedheim's vessel. In the summer of 1821, King Frederick William, passing through

Frankfort, protested in vigorous terms against the accusation that he desired to mediatise Anhalt, but protested in vain. The minor courts would not be persuaded out of their belief that Prussia desired, as Berstett phrased it, "to round off her geographical leanness at the expense of some of her smaller neighbours." Blittersdorff, recently appointed Badenese federal envoy, and the more intelligent among his colleagues, were well aware how little possibility there was "in view of the well-known character of the duke, or rather of the duchess," of reckoning upon a reasonable arrangement; but they considered that this was "the opportunity for the Bundestag to display its staying power and vital energy." [1] The point of importance was to humiliate Prussia in face of a weakling neighbour; to prove to the North German great power that, to quote Marschall, Prussia was just as much protected by Coethen, as Coethen by Prussia. Of the greater federal states, Bavaria alone showed any comprehension of the relationships of power, for after the Munich government had so recently learned by personal experience the difficulty of introducing a new customs system, it recognised that there was a trifling difference between a realm and an enclave. The others judged the question as if it had been a civil trial, and since the legal questions involved were certainly open to dispute, there developed at the Bundestag a savage feud which, dragging out its course for many years, continually afforded fresh and welcome opportunity for the liberal newspapers to stigmatise Prussia as the disturber of the peace of Germany.

Such was for Prussia the upshot of the commercio-political negotiations in Vienna and Dresden. The new customs-law had been maintained unaltered against the opposition of almost all the other federal states; the freedom of the Elbe had been secured (if to a somewhat scanty degree); and the old view of the Prussian government that the Federation could contribute absolutely nothing to the advantage of German commerce, had been once again confirmed. Equally well established, however, was the recognition, that in the present mood of the individual states negotiations with these offered no prospect of success. What unteachable animosity had encountered Bernstorff, what arrogant language had he been forced to listen to, first in Vienna, and subsequently in Dresden! After these discouraging experiences, the reasonable decision had been formed in Berlin that henceforward no further invitations should be issued,

[1] Blittersdorff's Reports, Frankfort, January 30 and June 27, 1821.

but that Prussia should wait quietly until financial stress should open the eyes of her minor neighbours. It was in these circumstances that strict injunctions were issued to all the envoys in Germany to adopt an extremely reserved attitude, and to every enquiry about commercio-political affairs to answer simply that as early as the year 1818 the king had declared himself prepared to negotiate, that he continued to hope that other German states would accede to his customs system, and that it was now left for his neighbours to meet goodwill with goodwill. Eichhorn based this resolve upon the consideration that the jealousy of the dynasties, as experience had shown, would only be stimulated by further invitations. "Such proposals may be misinterpreted, as being at once demands that they should alter their internal legislative systems and suggestions endangering their independence." [1] Against the deep-rooted distrust of the minor courts there was but one weapon available, equanimity, which would allow the nature of things to do its own work. What did it matter, after all, if the press unceasingly declaimed against Prussia's selfish and separatist attitude? Inasmuch as public opinion was more unreasonable even than were the courts, the cause of German commercial unity could look for no help from this quarter, and Prussia's best ally was the increasing financial need of the minor states.

§ 3. THE *MANUSCRIPT FROM SOUTH GERMANY*. THE HESSIAN CONSTITUTION.

The plenipotentiaries of the constitutional states returned from Vienna feeling assured that for the present their constitutions had nothing to fear from the Federation. Whereas Zentner regarded this as a victory, Berstett was extremely displeased. He had confidently anticipated that the Vienna assembly would put his disorderly Carlsruhe Landtag to rout, but had now to return with empty hands. At the close of the conferences he directed a further urgent appeal to Metternich, saying that since political assassination was now raging in France the time had arrived for all the European powers to join in solemn guarantees for the maintenance of the monarchical principle. "The episode of the revolutions began with a declaration of the rights of the people. Could it not be brought to a close with a declaration of the rights

[1] Instructions to Otterstedt, November 2, 1822, February 20, 1825, etc. Eichhorn's Opinion, April 21, 1824. Instructions to the envoys, March 25, 1828.

of the thrones?" This demand came at an extremely inconvenient moment for the Austrian statesman. He now needed tranquillity in Germany, even at the price of a truce with the detested liberals, for he foresaw that Austria might soon need all her energies to cope with the revolution in southern Europe. For this reason, he considered it necessary to moderate his friend's reactionary ardour.

In a long and unctuous despatch to Berstett (May 4th) he first reiterated his old and cherished doctrine that in these stormy times the maintenance of the existing order was the aim of all well-disposed persons, adding the brilliant proposition, "Upon this point, with which all may be saved, and with which even that which has been lost may be in part reacquired, every endeavour must concentrate." This axiom, which the entire diplomatic world had long before learned to recognise as part of the permanent linguistic equipment of the Austrian chancellery, was succeeded by words which were unprecedented in Metternich's mouth. "But when we speak of the existing order, we think not only of the old order in the narrower sense of the term, that order which has been left absolutely intact in very few states, but we think also of newly introduced institutions, so soon as these have acquired a certain degree of constitutional strength. In such times as the present, the transition from the old to the new hardly involves greater dangers than the return from the new to that old which has become extinct. The attempt to do either may lead to material disorders which must to-day be avoided at all cost. The objection that among the constitutions hitherto introduced in Germany there are some which are devoid of foundation, and which consequently lack all standing-ground, must be regarded as baseless. Every institution that has come into existence (unless, like the Cortes constitution of 1812, it be the work of pure caprice and senseless delusion) contains materials contributing towards a better system." He went on to remind the lesser courts of the harmony that prevailed among the great powers, of the union between the German federal states which had recently been consolidated in Vienna, and exhorted them in conclusion to a strictly legal and constitutional regime. In case of need there remained open to them "an appeal for help to the community. If Austria, her internal condition remaining undisturbed, still possesses a notable mass of moral energies and material means, she will be prepared to employ all these for the advantage of her federal allies as well

as for her own." [1] Thus there was not a word about the re-establishment of the old estates. In Carlsbad, Metternich had damned the South German constitutions as demagogic; but he now proclaimed their legal foundation inviolable.

It was the good fortune of his life that all the work of his own pen filled him with genuine admiration. This most recent production produced a state approximating to ecstasy, and in a covering letter to Berstett he could not refrain from saying: "Every word in my despatch has been created out of the depths of my intelligence. The repose which dominates it is the repose of my own soul. I shall have attained an aim very dear to me if by my words (and the term 'words' seems to me too weak to convey the value of my work),[2] I succeed in showing your excellent ruler what we desire, believe, and hope!" When, shortly afterwards, probably with its author's previous consent, the despatch was published in several German and French newspapers, Metternich hoped that all thoughtful politicians, all but the wildest of the radicals, would thank him for his formal recognition of the new constitutions. Soon enough was he to be disillusioned. Since the great public now made its first acquaintance with a private memorial by the dreaded statesman, and since it was as yet unfamiliar with the remarkable flowers of speech of the Metternichian style, the conciliatory sense of the content for the most part escaped notice. The press found the kernel of the writing in its phrases about the maintenance of the existing order, and paid no attention whatever to the exhortations to fidelity to the constitution, which had been the practical purpose of the despatch. The note of May 4th acquired a European reputation. For two decades it was regarded by the opposition in all countries as "the programme of conservatism, the war-cry of the struggle against the progressive movement of the age," whereas it was really intended to warn the Badenese court against any reactionary *coup de main*.

Berstett, for his part, rightly understood his master's intentions, and bitterly complained to the faithful Marschall that

[1] The version of the Note of May 4, 1820, printed by Welcker (Wichtige Urkunden, p. 335), completely agrees, except for a few words obviously misread or miswritten, with the original preserved in the archives of the ministry for foreign affairs in Carlsruhe. The memorial printed in Metternich's Posthumous Papers, III, p. 372, the wording of which differs in numerous respects, must therefore, like many other documents in this collection, be no more than a rough copy.

[2] Et le mot de paroles me semble bien faible pour exprimer la valeur de mon travail. Metternich to Berstett, May 4, 1820.

" our final act, edited in the purest German style " afforded so little assistance to well-intentioned governments; but, he said, " if we can expect neither energy nor aid from without, we must *à tout prix* endeavour to maintain peace within." [1] Thus, strangely enough, it was in part thanks to Metternich's thoughtful advice that the Badenese court effected a reconciliation with the diet which had shortly before been so ungraciously dismissed. This moderation did not, indeed, prevent the Austrian statesman from personally supervising the persecution of the demagogues in Baden, as throughout Germany. He could not deny himself the pleasure of playing the part of his own sheriff's officer. Even the Heidelberg executioner who had so devoutly preserved the relics of Sand did not escape Metternich's paternal eye, and the Badenese minister was exhorted in a long autograph letter to take vigorous measures, " for if such proceedings are completely ignored, the cancer will never be cured." [2]

As long as the Badenese court could reckon upon Austria's support, it prepared for open war against the diet. Certain liberal officials were refused leave of absence to attend the sittings of the Landtag, and the Mainz committee of enquiry was asked to institute a political prosecution against Winter, the Heidelberg bookseller, the valiant advocate of the freedom of the press.[3] But by the time the Landtag met in June, and forthwith demanded that all its members should be summoned, the government could no longer count upon foreign aid; moreover, news of the progress of the revolution in southern Europe alarmed the court. The government therefore withdrew its refusal to grant leave, Winter was set at liberty by a judicial decision, and Berstett met the house with astonishing friendliness. Most of the members of the Landtag had, moreover, been sobered by the painful experiences of recent months, so that on this occasion more caution was displayed. Several of the representatives had been won over by proofs of favour from the court, and a few had been definitely corrupted; the grand duke openly admitted to the Prussian envoy that to secure a good understanding with these gentlemen was an expensive affair.[4] In a word, the close of this Landtag was just as peaceful as its opening had been stormy.

After an outspoken address from Rotteck, the government

[1] Berstett to Marschall, October 13, 1820.
[2] Metternich to Berstett, June 23, 1820.
[3] Berstett to Marschall, August 10, 1820.
[4] Küster's Report, Carlsruhe, August 22, 1820.

promised that its severe press edict, which permitted no more than four political newspapers throughout the country, should be mitigated in correspondence with the Carlsbad decrees; an agreement was secured regarding some excellent laws to effect the abolition of certain manorial dues; while in the matter of the national finances a compromise was secured by voting a lump sum. In September, the Landtag was peacefully dismissed, and, drawing a long breath of relief, Berstett reported to his friend in Nassau that by his mild handling of the diet he had secured a respite for a couple of years. The two ultras of the Vienna conference now began to believe that, after all, the new constitutions, adroitly manipulated, were quite endurable, and might even be favourable to particularism. "The diets," said Marschall, "individualise our states more and more, and increasingly contribute to the annihilation of that principle of unity which is the leading aim of the revolutionary party." Playing the part of a faithful echo, Berstett wrote to Vienna: "The similarity of the new constitutions in South Germany has by no means led to a closer approximation of the individual lands in the sense desired by our Germanisers; there may rather be noticed the continued increase of distinctive peculiarities." [1] Thus were the Nassauer and the Badenese able to find common cause for rejoicing in the thought how remote was the day of German unity.

Even the dreaded Würtemberg constitutional convention, whose annulment Marschall had again demanded shortly before, proved in the clever hands of King William a work of blameless innocence. In January, 1820, the first ordinary Landtag of the kingdom was opened. Lindner, who had been expelled from Weimar, and who after a prolonged stay in Alsace was now advocating King William's ideas in the Stuttgart press, had, in emotional terms, prepared the nation for the grandeur of this historic moment. Niebuhr's friend Count Moltke visited Würtemberg in order to study the constitutional system at the source in this pattern land of German freedom;[2] and the crown did not fail to remind the German world from time to time by some fine-sounding catchword that the ruler of Würtemberg was animated with a liberal spirit. How the liberal press rejoiced when

[1] Marschall to Berstett, August 18; Berstett to Metternich, September 12, 1820.

[2] Wangenheim to Hartmann, March 8, 1820.

Maucler, the minister of state, solemnly assured the representative assemblies that the king favoured publicity! The country was indeed well pleased by the homage thus rendered by its German neighbours, but the political exhaustion ensuing on the passionate struggle for the good old law endured for many years. The elections took place almost without a fight, even electoral meetings and speeches by the candidates were quite exceptional. Almost everywhere the high-bailiffs indicated to the electors the names of the men in whom they themselves reposed confidence, and neither force nor bribery was requisite to induce the peasants, whose vote was decisive in most of the electoral districts, to follow the suggestions of authority. The old bourgeois ruling class, which had so long governed the duchy of Würtemberg, likewise easily adapted itself to the constitutional monarchy. The great majority of the second chamber was composed of officials, and allowed itself to be led so docilely by its prudent president Weishaar in accordance with the desires of Maucler, that even Ancillon was moved to express his cordial approval of the humility of this representative assembly.[1] After the leaders of the old-law party had made peace with the crown, an opposition party was not reconstituted; there were no more than a few isolated independent deputies to draw attention on their own initiative to the numerous unfulfilled promises of the constitutional charter, to all the organic laws which that charter had held in prospect. The liberal king was well pleased with the meekness of the Landtag, and delighted to declare in the presence of the foreign diplomats that the behaviour of his loyal estates might well serve as an example to other lands.[2] He considered his work of reform temporarily finished; legislation was arrested, and the further development of the constitution was indefinitely postponed. The constitutional regime, which had been so ardently desired, proved in its opening years far more sterile than had been the precedent epoch of royal dictatorship.

The nobility of the country was largely responsible for the arrest of public life. No doubt it was difficult for the members of these proud families which had been immediates of the empire to overcome their ill-feeling against a crown which had done them so much injustice, and to participate as subjects in the inconspicuous labours of a petty Landtag. Yet in the end the

[1] Ancillon, Ministerial Despatch to Councillor von Schoultz-Ascheraden, March 10, 1820.

[2] Küster's Report, June 27, 1820.

constitution had conceded them all that it was possible to demand in accordance with the Vienna treaties. Should they wish in this democratic century to maintain their prestige, they must recognise without reserve the new legal groundwork of society, and must at least make trial whether it was possible upon so narrow a stage to play the part of a popular aristocracy courageously defending the laws of the country. To its own misfortune as well as to that of its native land the high nobility of Swabia scorned to attempt even this much. The Upper House showed itself disinclined for business and hostile to all reform ; from the first it excluded the public from its proceedings (a course permitted by the fundamental law, but not enjoined), and soon became so utterly estranged from the people that its reputation was almost as evil as that of the Bourbon nobility. Through the resistance of the privileged classes the urgently necessary abolition of the feudal burdens, a reform strongly desired by King William, was postponed again and again throughout an entire generation. In the winter of 1820, when the first Landtag reassembled after a recess of several months' duration, the members of the Upper House did not appear in sufficient numbers to form a quorum, and this remarkable spectacle was witnessed twice again during the next eight years. Since the constitution had already made provision for such an eventuality, the Lower House sat alone, and the house that did not sit was assumed to give its assent. Within a year after the fundamental treaty had been concluded, it was already necessary to have recourse to an involuntary unicameral system. A parliament thus mutilated could do very little effective work.

In December, 1820, the parliamentary peace was suddenly disturbed by the appearance upon the scene of Friedrich List. The undismayed opponent of the scriveners' regime had with tireless activity been carrying on the campaign in his paper, the *Volksfreund*. He alone ventured to say in plain terms that the old noble caste had come to terms with the new bureaucracy. Unfortunately he lacked the caution and forbearance indispensable to the publicist amid the narrow conditions of petty-state life ; no one would forgive him for such cruel articles as the *Conversations between Minister Grand-Vizier and King's Counsellor Brazenface*. Twice before the bureaucracy had succeeded in keeping their deadly enemy out of the Landtag, but on this occasion he had been duly elected by the democratic inhabitants of Reutlingen, and immediately raised a general

uproar by the effervescent violence of his speeches, so rich in ideas. But once again a means was found to get rid of the disturber of the peace. List had issued an election address, wherein, in harsh terms, he expressed his opposition to the omnipotence of the officialdom: "Distress and poverty everywhere; honour nowhere, income nowhere, cheerfulness nowhere—except for those in official uniform!" All the demands which he had previously voiced in the *Volksfreund* were here reiterated. He asked for publicity of judicial procedure, unrestricted freedom for the municipalities, a reduction in the great army of the officialdom, and in addition, in accordance with the newest articles of politico-economical doctrine, sale of the domains and the introduction of a single direct tax.

The address was an extraordinary medley of good ideas and immature impressions, but assuredly contained nothing of a criminal nature. The ruling class, however, both within and without the chambers, considered that the foundations of its power were imperilled. The court in Esslingen was immediately instructed to initiate a prosecution against List for slandering the civil service, and Maucler then suggested to the legislative assembly that the accused should be expelled the Landtag on the ground that the constitution specified that no one could be a delegate who was involved in a criminal prosecution. Vainly did List show that he was accused only of a misdemeanour and not of a crime; vainly did Uhland and some of his friends issue a warning to the effect that if such an interpretation of the fundamental law were accepted the government would be empowered to expel any undesired member from the chambers. The majority willingly complied with the minister's suggestion, which was supported with all the accessories of sophistical art, acting on this occasion with the partisanship of a caste whose dominance is threatened; an address from Heilbronn which took the part of the menaced man with the candour characteristic of the imperial town was expunged from the records amid stormy speeches against Jacobinism and sansculottery. The judges now demanded of the expelled member that he should answer also to a charge brought against him on account of the speech he had delivered in the Landtag in his own defence, and when he refused to comply they threatened him with the use of the forcible measures the law placed at their disposal for dealing with persistent contumacy of this kind, among which five-and-twenty lashes were prescribed as a maximum penalty. List did not care to favour the master

class with the elevating spectacle of a popular representative tied to the whipping-post. He consented to plead, was condemned to imprisonment in a fortress when the proceedings had lasted for more than a year, and then eluded punishment by flight.

After this he spent two years abroad, always hoping that at home a sense of shame would become active; and in actual fact even Wintzingerode was annoyed at the bureaucracy's thirst for revenge. The king, however, was not to be appeased; and when the fugitive's wife besought pardon, he answered, with customary arrogance, that List's enterprise might have involved extremely serious consequences for the state, and that it therefore did not matter whether it had been inspired by malice or simply by stupidity. At length List believed he might venture to return, but he was immediately seized and sent to Hohenasperg, and was put to literary hard labour, that is to say, was employed in copying military documents. Not until the beginning of the year 1825 was he set at liberty, upon the condition that he should renounce his civil rights and should immediately leave the country. Thus was banished the most brilliant political intelligence to be found at that time in South Germany, falling a victim, like so many other distinguished Swabians, to the pettiness of his homeland. A severe and yet benevolent destiny sent the impetuous agitator just at the right moment to gain experience in the new world of America, so that when he returned home with the wealth of enlightenment produced by many years of travel he was able to fertilise the parochial German world with an abundance of new ideas. In Germany but little attention was paid to this scandalous case, for List was not backed up by any party. Such was the nature of this ardent spirit that he was confined always to the formulation of bold designs, to the indication of paths that were to be followed in the future; and the liberal press had unwillingly to make the best of the disagreeable fact that the most liberal-minded of German princes, with the approval of his Landtag, had punished a great-hearted patriot with a cruelty which could give points to the demagogue-hunters of Berlin and of Mainz.

The expulsion of List was, for many years, of momentous significance to the development of constitutional life in Würtemberg. There is no stronger bond between human beings than injustice suffered in common. By their maltreatment of their colleague, the majority of the deputies had signed away their souls to the minister; those of the minority were discouraged;

and the weakly indications of spontaneous will which were still manifest in the opening days of the session gradually passed into abeyance. The Landtag sank into an easy-going life of inactivity, and among the people indifference gained the upper hand to such an extent that before long the government found it necessary to stimulate the electors to exercise the right of suffrage by the payment of fees and by imposing penalties for abstention. Of the extravagant desires for freedom which had greeted the appearance of the constitution, few were fulfilled; but the king cared for material interests so efficiently that even the liberal Wangenheim and his friend Privy Councillor Hartmann never became completely alienated from the able and energetic ruler; and the country secured one at least of the blessings which this simple-minded age expected from constitutional life, namely, a reduction of taxation. Amid the wider relationships of France, and also in some of the German middle-sized states, people learned soon enough that political freedom and thrifty administration do not necessarily coincide. Almost everywhere the constitutional state was forced to undertake a continuous enlargement of the sphere of its activities, being compelled to accede to the innumerable claims of bourgeois society, which now began to secure eloquent advocates in the chambers; fulfilling more extensive functions than the old absolutism, it was perforce costlier. For the present the Würtembergers were spared this disillusionment, for the excessive expenditure of the court was curtailed, and the king insisted upon strict economy in all branches of the administration. The country was by no means dissatisfied with its strict bureaucratic regime and its mediocre Landtag.

Yet how was it possible for the restless ambition of King William to remain content with the modest duties of the territorial prince. He brooded over the defeat he had sustained at the Vienna conferences, and felt it necessary to secure satisfaction, were it under a mask. In earlier years, as long as Queen Catharine was alive, he had still at times cherished dreams of the German kingly crown. For long, however, these audacious hopes had ceased to befool him. But that federation within a federation which Wangenheim and Trott described so seductively, now seemed possible, when some of the middle-sized states were treating jointly with the Roman see, and when the great Darmstadt deliberation regarding the South German customs-union was close at hand.

From September, 1820, onwards a writing, ostensibly pub-

lished in London, and entitled *Manuscript from South Germany by George Erichson*, was busily circulated from Stuttgart. It was the programme of the trias policy. All the malicious invectives with which the Munich *Alemannia* had formerly incited its Bavarian readers against the North Germans recurred here, but more insidiously expressed, and therefore more dangerous: Berlin had the best tailors, Augsburg the best silversmiths; the cunning and untrustworthy North German should in the field be employed only as hussar and freebooter, for the sturdy peasants of the South formed the kernel of the German army; a political union between the migratory commercial folk of the north and the settled population of the highlands might perhaps become feasible centuries hence, but was to-day as impossible to effect as had been the union of the English and the Scottish in the days of Edward I—and so on. But whereas Aretin and Hörmann had never concealed their particularist aims, this new preacher of disunion claimed to direct national policy. A Polish partition, he declared, had imperceptibly been effected in Germany; of the twenty-nine million inhabitants of the Germanic Federation, nineteen million belonged to the foreign powers, Austria, Prussia, England, Denmark, and Holland; the best federal harbours were in the hands of the northern corsairs, of the Hansa towns; a *hors d'œuvre* in the German body, they were the booty of a mercantile caste in England's pay. There was therefore only one means of salvation for the pure German states: they must cut loose from the foreigners, and reconstruct by themselves the free league of independent tribes which was Germany's primitive constitution. The leadership of the league belonged to the Bavarians and the Alemans, the two nuclear stocks, which had just been reunited under their new kingly crowns. The great statesmen of the south had been the first to recognise that Germany's renascence could be effected solely through French help, and it was out of love for Germany that they had become the friends of France. When the warriors of Würtemberg and Bavaria, in alliance with the French, had gained victories never to be forgotten, they served the spirit of the century and assured for all time the independence of the fatherland. It was for this reason that they continued to wear with pride the cross of the legion of honour. To-day, moreover, Würtemberg had once again become "the refuge of German liberty and independence"; its king had given the great and immortal example of a constitution based upon a convention. The two kings of the south had

recognised the god-given democratic principle; in Carlsbad and in Vienna they had been the protectors of German freedom; Germany reverenced them as the guarantors of her national independence.

Between the lines, the hope found expression that Prussia would cede her western provinces to the king of Saxony; then the league of pure Germany would be able to fulfil its natural function, and as an "intermediate state" would maintain the balance between France, Prussia, and Austria.

Since the Germanic Federation had been in existence, no such impudent attack upon the principles of the federal law had hitherto been attempted. The advocate of the German trias attacked the newly-fashioned constitution of Germany with as much hostility as that formerly displayed by Hippolytus a Lapide in his onslaught upon the decrepit Holy Empire. This adroit epigone did not indeed possess the wealth of ideas or the forceful rhetorical impetuosity of that passionate advocate of the Swedish-French party, but in the arbitrariness of his historical constructions and in the unscrupulousness of his *raison d'état* he strongly resembled the old publicist. The nauseous fundamental principle of the foreign dominion came to light once more in the *Manuscript;* it was Bonapartist through and through, displaying the basic idea of *la troisième Allemagne*, voicing the old democratic catchwords, breathing invectives against the Hansa towns, and reiterating the proposal to thrust Prussia towards the east. In former days, Dalberg had extolled the Confederation of the Rhine in almost identical words, and it was manifestly impossible for this new league of pure Germany to come into existence in any other way than by French aid.

With how much anger would public opinion have received such a book at the time of the peace of Paris! But the great epochs of our recent history have with sinister regularity been succeeded by periods of discontent in which national pride has almost disappeared amid the petty vexations of party life, and in which the very men and the very actions which are beyond all praise have been most certainly exposed to the ingratitude of short-lived man. Five years after the War of Liberation, the author of the *Manuscript* could confidently proclaim: "Prussia belongs to Germany just as little as Alsace"; and throughout the minor states there were already to be found a few well-meaning patriots to agree with the writer, men to whom it did not seem ludicrous in the name of the vanquished of Dennewitz

and Wartenburg to deny the warlike efficiency of the victors. In Frankfort, Börne had only one fault to find with the book, that it did not tell the whole truth. Shortly afterwards, F. von Spaun, the Bavarian liberal, a zealous advocate of the illuminati and of Bavarian pride of power, declared in his *Obiter Dicta on the Course of Events* that South Germany had rendered good service to the allies, but had nothing to thank the allies for in return. We Bavarians, he said, have no need of the Germanic Federation; if "our Max" should call us, thousands of the heroes who conquered at Leipzig would flock to the blue and white standard!

It was, indeed, only a few deluded persons who took so extreme a view. Even Wangenheim was far from harbouring the traitorous hidden thoughts of the *Manuscript*. He considered, it is true, that if the independence of the minor states were threatened it would be permissible to appeal to the foreign guarantors of the federal act (though such an appeal "would always be a doubtful step"); but he never had any thought of forming a new Confederation of the Rhine. His league of the lesser powers was to be built upon the foundation of the federal act, was to come into existence peacefully, sustained solely by the moral force of the South German crowns, held together by the attractive energy of their free constitutions. In this diluted form, the ideas of the *Manuscript* were seductive to many other liberals. Behind the scenes, the sophistical work exercised an enduring influence, nourishing among the South German liberals a pride which was all the more injurious because it was grounded upon a fancied political superiority, and not upon the genuine merits of High German life, its ancient civilisation, its inexhaustible poetic faculty, its charming, natural, and democratic customs. It was from the turbid source of this writing that there also issued the party legend which continued to find credence for many decades, concerning the heroic struggle against the reactionary great powers which had been made at the Carlsbad conferences by the loyally allied liberal crowns of Bavaria and Würtemberg.

In Prussia, the glorification of the Confederation of the Rhine seemed so incomprehensible that no one in this country troubled to publish an answer, although the book aroused lively anger in the literary circles of Berlin. The only rejoinder was that entitled *From North Germany, not a Manuscript* written by J. L. von Hess of Hamburg, the man who in the year 1814 had written on behalf of *The Freedom of the Hansa Towns*. The

worthy Hanseat still spoke altogether in the spirit of the broad-minded patriotism of the War of Liberation, being free from particularist sentiment, although, after the Hanseatic manner, he was inclined to overvalue the "unrestricted freedom" of Hamburg commerce. He cherished the hope that the state which had begun that national struggle would once again become "the centre of German unification"; and he shamed his adversary by the incontrovertible reproof, that never had any North German writer used such malicious and unamiable language regarding his South German brethren—not even in the days when Bavaria was fighting under the French flag.

At the courts of Vienna and Berlin, the open appeal to a breach with the Federation aroused lively anxiety. Careful enquiry was made regarding the authorship of the work, and the first idea was that it had been written by Hörmann or Aretin, since the pamphleteer in his introduction referred to Bavaria as his home; moreover, Wangenheim declared at the Darmstadt conferences that the book could not have proceeded from any other source than Montegelas' party.[1] Subsequently a strong and unrefuted suspicion rested upon Lindner, and now it was that the libel first appeared in its true light. Invectives against the north on the part of such fanatical Bavarians were partly the outcome of ignorance; but this Courlander, who had been intimately acquainted with North German life from childhood upwards, could not possibly have drawn his repulsive caricature of the North German people in good faith; it must have been his intention to incite the south against the north, and from the days of Lindner to our own this evil practice has always been pursued with peculiar zeal by North German renegades. It was known that Lindner sometimes received literary commissions from King William; quite recently he had been conducting an odious paper-war against Kessler, a liberal who had made himself obnoxious to the court by a candid description of Würtemberg conditions.[2] But Wintzingerode, acting on the king's orders, emphatically denied that King William had had any responsibility for the issue of the *Manuscript*, and his co-operation in this matter seemed indeed hardly conceivable. Who could have believed that the hero of Montereau should now undertake to defend the Confederation of the Rhine, and that with such unseemly and false self-praise he should extol his own services to the nation? But when

[1] Nebenius' Report to Berstett, Darmstadt, November 14, 1820.
[2] Küster's Report, February 12, 1820.

Wintzingerode asked that severe measures should be taken against Lindner, because the proceedings of " this liberal lunatic " could not fail to embitter the great powers, the king obstinately refused ; and when the minister urgently renewed his application, the king at length informed the astonished man that he himself was the author of the *Manuscript*, that he had drafted the outlines, and that Lindner had merely filled them in.[1] Such were the means by which King William had endeavoured to revenge himself for the humiliation sustained in Vienna ! The count informed his master that he would be unable to answer for the expenses of the foreign office of little Würtemberg if the confidence of the great powers were to be mocked in so lighthearted a manner—but he retained office. At this time the German ministers still lacked a sense of personal responsibility, looking upon themselves in almost all cases merely as the servants of their princes. Wintzingerode considered it would have been unchivalrous to abandon the king in so anxious a moment, and was therefore forced to do his best to allay the suspicions of the German courts by mendacious assurances. It was labour lost. The keen insight of F. Gentz, which rarely failed him in literary matters, had enabled him from the first to detect the primary author of the *Manuscript*.

The futility of the Würtemberg trias plans was nowhere condemned more sharply than at the court which had thought of entrusting Lindner with the leadership of its own sonderbund. Five years earlier the trias idea had made its first appearance in the Bavarian press, but now, as then, the government remained unsympathetic. The Bavarian state was after all too great, its dynasty too proud, to indulge in such airy fantasies. How happy was King Max Joseph when for three years in succession he had again been untroubled by his loyal representative assemblies. The reconciliation with the two great powers which had been effected by Zentner's prudence was thoroughly agreeable to the good-natured king. His mistrust of the liberals had increased yet further since the revolution in southern Europe had continually extended in scope, and since in the course of the summer the disturbance had even invaded Italy. When Gentz visited Munich in August, the king could hardly find words enough in which to express his devotion to the court of Vienna. He loved constitutions, he declared, just as little as Emperor Francis, and but for the unhappy Vienna congress would never have gone to such a length ; God be thanked, however, he had got off safely

[1] Wintzingerode, Count H. L. Wintzingerode, p. 69.

with nothing worse than a black eye, and devil a step further would he go now. Parliamentary institutions had effected no change in the customary bureaucratic regime. Even the reorganisation of the military system which had been promised the chambers remained unrealised, although two of the ablest generals, Raglovich and Baur, had for years been favouring the introduction of a Landwehr system modelled upon that of Prussia. The liberal-minded Lerchenfeld was entirely restricted to his work as a financial expert, and in this department his persistent and circumspect activities ultimately restored order, so that the price of the public funds increased during a few years by more than thirty per cent. The German policy of the court of Munich was directed by Rechberg and Zentner, both of whom, each after his own manner, were loyal to the great powers. At their instigation,[1] the *Allgemeine Zeitung* published a criticism of the *Manuscript* which contained fierce mockery of all thoughts of a sonderbund.

Meanwhile the last of the South German states, which had hitherto remained an absolute monarchy, adopted constitutional forms. Punctually, as had been promised, Grand Duke Louis of Hesse provided his land with a constitution by the edict of March 18, 1820; he hoped by this cautious concession, as he explained to the great powers, to fulfil all the expectations of the Vienna congress, to keep his pledged word, and at the same time "to secure the power of his government."[2] His confidential adviser, Grolmann, the professor of criminal jurisprudence, had recently with a heavy heart resigned his academic position at Giessen in order to accept a ministerial portfolio, feeling it his duty to throw his personal influence into the scale against the threatening anarchy. He was a man of mild and conciliatory disposition, professor rather than statesman, and considered that to the representatives of the people "all had been conceded which could be conceded without manifest danger of republicanisation."[3] On this occasion, however, the venerable prince, who had grown grey in the views of benevolent absolutism, was utterly deceived regarding the mood of his country. During the long period of waiting, the people had been stirred up by numerous petitions and meetings; in the mediatised territories of

[1] Zastrow's Report, November 15, 1820.

[2] Note from the grand-ducal Hessian chargé d'affaires, Baron von Senden, to Ancillon, March 29, 1820.

[3] Grolmann to Count Solms-Laubach, March 25, 1820.

Odenwald the heavily burdened peasants had already come into actual conflict with the troops over the collection of the taxes. And now the long-desired constitution, which was to put an end to all distresses, contained little more than a few prescriptions regarding the future Landtag. The genial patriarchal phraseology of the edict failed to secure its end owing to the extreme exiguity of the content. The rights of the representative bodies were very narrow; the suffrage was extremely restricted; and in the entire state, apart from the high officials, there were no more than 985 persons eligible for election. To crown the disaster, this fundamental law was promulgated at the very moment when the Spanish Cortes constitution, which had just been resurrected from the tomb, was published in the German newspapers and aroused the ecstasy of the liberal world. "A constitution with two chambers is no constitution at all," was a phrase frequently heard in the South German taverns when people were discussing the welfare of the Cortes and its hero Riego; and F. von Spaun expressed the opinion, "Our Max need only wag his finger to get rid of the Upper House." How paltry seemed the liberties of Hesse in comparison with these Spanish glories!

The whole country was in a ferment. Certain anonymous pamphlets printed in Stuttgart, but proceeding from E. E. Hoffmann in Darmstadt, subjected the edict to unsparing and well-deserved criticism, and since the peasants had long been complaining of the pressure of taxation, the majority of the elections were adverse to the government. The Rhenish Hessians went so far as to elect the French general Eickemeyer, the man who had participated in the shameful surrender of Mainz, and who was therefore regarded at court, though unjustly, as a dangerous Jacobin. More than half the deputies immediately sent in a petition to the grand duke, couched in respectful terms, but very definitely expressing their view that it was impossible for them to recognise in the edict the promised "comprehensive constitutional charter," and stating that for this reason they were unable to swear fealty to it. Vainly did Hans von Gagern implore the dissatisfied representatives not to reject all possibility of understanding. The remarkable imperial patriot was now pursuing the same path as many other diplomats of the petty states: formerly, in the nebulous region of federal policy, he had been a mere dreamer, but now, in the practical affairs of his homeland, where he felt firm ground under his feet, he proved a thoughtful politician. Under his leadership, his colleagues among the lords of the

manor and the minority of the remaining deputies sent in a counter-declaration to the effect that they were prepared to take the oath without hesitation, but only on the proviso that the grand duke would lay before them additional laws "for the complete development of the constitution."

The situation of the little state began to become extremely insecure. The Prussian envoy, Baron von Otterstedt, known in the diplomatic world as *notre ami aux mille affaires*, an illuminate opponent of the liberals, who, in a state of continued excitement and mystery, oscillated between the courts of Darmstadt and Bieberich, depicted to his cabinet in the gloomiest possible colours "the truly devilish spirit" of the Hessian demagogues;[1] and it was quite true that in Hesse a sense of pessimistic bitterness had notably gained the upper hand. Some of the non-jurors secretly hoped for a *coup d'état* from above, anticipating that an outbreak of popular anger would ensue, and that this would constrain the court to make extensive concessions. The powerful mediatised, to whom nearly a quarter of the grand duchy belonged, likewise displayed a hostile spirit. Vainly had the government shortly before conceded them all the rights promised in the federal act, with a few more superadded, so that henceforward at the castle gate of Büdingen an Isenburg body-guard could be flaunted. The princes and counts were by no means satisfied, and they all absented themselves from the Landtag, although some years before they had fiercely demanded the summoning of the estates.[2] Through Grolmann's prudence the danger was safely averted. He induced the grand duke to give way, soberly enough to do justice to the sentiments of the country, and modestly enough to admit past errors. In a graciously worded reply, the old ruler granted the request of Gagern's party, and promised that certain organic laws in amplification of the March edict should be submitted to the representative assembly. After this concession, several of the members of the more decisive opposition also gave way, and on June 27th it was at length possible to open the Landtag. The obstinate non-jurors were excluded from the chamber, and the re-elections were effected everywhere without opposition. The Landtag immediately secured the publicity of its sittings, and therewith acquired great prestige, for the entire populace watched the deliberations with breathless attention. No misuse was made of the new powers; the ministers displayed

[1] Otterstedt's Reports, June 10 and 26, July 4, 1820.
[2] Petition of the Nobles to the Grand Duke, March, 1816.

an accommodating spirit; and under the able leadership of President Eigenbrodt, the noted sylviculturist, the course of the proceedings was at first peaceful.

It seemed that everything was going smoothly. Even Marschall, who hitherto, after his manner, had abused the Darmstadt demagogues to all the courts, was now pacified, declaring that the government had retained the upper hand, and that the monarchical principle was adequately safeguarded.[1] But Grolmann was soon to learn how difficult it was to come to terms even with so reasonable a chamber. He found himself in an untenable position, for the legislative proposals regarding civic rights, ministerial responsibility, and the right of voting supply, which he now laid before the Landtag, in reality involved, not the amplification, but the repeal of the March edict, and among the representatives there was voiced ever more plainly the demand that Hesse, like the other South German states, should be granted a formal constitutional charter covering the whole field of constitutional law. How much simpler would it be to fulfil this cherished wish of the estates. The minister engaged in secret discussions with his brother-in-law, Arens, chancellor of the university of Giessen, a distinguished jurist; with Councillor Hofmann, who ably conducted the finances of the state; and finally with a youthful liberal official, Privy Councillor Jaup. Among these men, Jaup alone was inclined to the constitutional doctrine; the three others all regarded a constitution as at best a necessary evil, and Arens was even a member of the ultra-conservative party and was in ill-repute in Giessen as an inexorable persecutor of the demagogues. Nevertheless they all agreed in the view that the ferment throughout the country could be allayed in no other way than by the granting of a constitution.

The grand duke expressed his approval, and on October 14th Hofmann astonished the Landtag by requesting it to lay before the government proposals concerning everything that was still desired in amplification of the March edict; the points regarding which agreement was secured would then be formulated in a constitutional charter, and with its promulgation the March edict would become inoperative. The success of this measure instantly proved how accurately Grolmann had judged the situation. The word "constitution," which exercised an irresistible fascination over the hearts of this generation, worked like a charm: now the Hessians were going to be just as free as

[1] Marschall to the Duke of Nassau, June 30, 1820.

the Bavarians, the Badenese, and the Würtembergers! Loud acclamations of joy were heard on all sides. Eigenbrodt, the president, profoundly moved, said: "We now witness the dawning of a glorious day, in which the bond of affection and confidence between a noble prince and a stalwart people will be established more firmly than ever before." He then closed the sitting, so that the great day might not be desecrated by the conduct of ordinary business. What a frenzy of applause greeted the grand duke when he appeared that evening in the theatre among his loyal people. Throughout the country the same enthusiasm was displayed; everywhere was manifested, to quote the current catchword, the touching gratitude of happy children towards their beloved father.

At the courts the joyous intoxication of the Hessian people met with little response. How severely had the king of Würtemberg been criticised because he had granted his constitution in the form of a convention, although he at least had been able to appeal in justification to the "good old law" of his Swabians. But now a second German prince had voluntarily come to an agreement with his estates, notwithstanding that these unquestionably had no historic legal right to demand anything of the kind. Such an infringement of the monarchical principle seemed extremely dangerous. The heir-apparent and his brother Prince Emilius made no attempt to conceal their displeasure, and censured the minister because behind their backs he had abused their aging father's good-nature. "If your brother-in-law desires to make peace with the Jacobins," said Prince Emilius openly to Arens, "I will declare war against him myself. It matters nothing to me that Grolmann should roll in the mire, but I will never forgive him for dragging my father down with him." [1] Of late Prince Emilius had gradually abandoned the Bonapartist ideals of his youth, and at the congress of Aix had effected a personal reconciliation with the new rulers of Europe. An admirable soldier, able, well-informed, and energetic, he was henceforward for many years one of the pillars of the ultra-conservative party in South Germany. Otterstedt, who enjoyed his especial confidence, said of him: "He lives only in and by the monarchical principle, knowing how to defend it like a true knight." The prince's mood became gloomier because in these very days the firmly established discipline of the little army, to which he was devoted body and soul, seemed shaken. Lieutenant Schulz,

[1] Prince Emilius of Hesse to Otterstedt, October 14, 1820.

that member of the Unconditionals who had disseminated his revolutionary *Question and Answer Booklet* among the peasants was acquitted by court-martial. So unjust a decision (and its injustice was admitted even by Grolmann) would have been impossible a year earlier. No one could fail to recognise that the exciting intelligence of the mutinies among the Spanish and the Italian troops had obscured the sense of military duty in the officers of the court-martial.[1]

Du Thil, moreover, who had taken no part in the decision of the ministry, was much concerned. He admitted, indeed, that the existence of a constitution might have a tranquillising effect. Just as three hundred years earlier the whole world had been fiercely taking sides for and against transubstantiation, so now "constitution-mania is the fashionable disease." Nevertheless he regarded it as "a piece of incredible heedlessness to furnish a dreadful example of an assembly of popular representatives negotiating with a government about a constitution."[2] Otterstedt, finally, who was eternally in a state of excitement, spoke in his reports as if the Jacobins were in control; he implored his government to express its formal disapproval in a ministerial despatch, and to suggest that Grolmann, after giving such proofs of untrustworthiness, must on no account be allowed to remain minister for foreign affairs.

The old duke himself began to vacillate once more, and promised his son Emilius, in profound confidence, that Grolmann should hand over the portfolio of foreign affairs to du Thil as soon as the great powers should express a desire to that effect.[3] The diplomats of neighbouring states looked with intense anxiety towards "the theatre of intrigues" which now existed at Darmstadt. Goltz, in Frankfort, considered it certain that the sinister Wangenheim must be taking a hand in this game; Marschall lamented the manner in which "a weak ruler and an inexperienced and feckless minister had let the reins drop from their hands."[4] The Prussian court, however, maintained on this occasion, as always in connection with these constitutional struggles in the south, an attitude of benevolent reserve. The fussy envoy received strict instructions to avoid any

[1] Otterstedt's Report, October 23; Grolmann to Otterstedt, October 19, 1820.

[2] Du Thil to Otterstedt, October 23, 1820.

[3] Otterstedt's Reports, October 18, 23, 29; Prince Emilius of Hesse to Otterstedt, October 29, 1820.

[4] Goltz to Hardenberg, November 21; Marschall to Berstett, October 16, 1820.

interference. Bernstorff did not even think it desirable that Grolmann should be deprived of his position as minister for foreign affairs, for in that case he would pay even less attention to the opinion of the great powers.[1] Such being the mood of the Prussian statesmen, Metternich was likewise unwilling to take any decisive step, although on one occasion he despatched an extremely unfriendly note to Darmstadt, saying that as long as the averting of the Italian revolution occupied his whole energies, it was desirable that all complications should be avoided in Germany.

Meanwhile the ultras in Darmstadt had recovered from their alarm, for the attitude of the chambers corresponded fully with the minister's expectations. Appeased by the promise of a constitution, the representatives henceforward showed themselves extremely amenable, and Grolmann was able to assure the Prussian envoy with perfect justice that the grand duke's decision had prepared a defeat for the radical party, and that the government, now established upon popular confidence, was more powerful than ever before. Arens, too, declared to the anxious Prussian envoy that it was impossible to withstand the current of universal opinion, suggesting that this might be a pointer for Prussia herself; while Gagern dictated to Otterstedt a despatch explaining to the court of Berlin that the Hessians could never consent to lag behind their South German neighbours, and that for this reason nothing short of a constitutional charter could content the Landtag.[2] These discourses did not fail of their effect; and Otterstedt, being a well-meaning man, now considered it his duty to appease the discontent of the Austrian envoy von Handel, and also to exhort to circumspection the two princes, who were still profoundly ill-humoured. Owing to his representations and to those of du Thil, the princes recognised that it would not become them to make an open stand against their father, and both of them therefore made conciliatory declarations in the Upper House. Finally, in order to win his sons over, the grand duke now summoned them to his ministry, thus proving once more, as Prince Emilius wrote with gratification, that the old ruler "desired vigorously to maintain the monarchical principle."[3]

In the ministerial council general agreement was now secured upon a good idea which deprived the doctrinaires of the

[1] Instructions to Otterstedt: from Bernstorff, Troppau, November 11; from Ancillon, Berlin, November 11, 1820.

[2] Grolmann to Otterstedt, October 17; Arens to Otterstedt, October 15; Mémoire du Baron de Gagern, October 29, 1820.

[3] Prince Emilius of Hesse to Otterstedt, October 29, 1820.

monarchical principle of their ultimate formal objection. It was decided that the constitutional charter should indeed be drafted precisely in accordance with the accepted proposals of the estates, but should subsequently be bestowed upon the country by the crown without any further consultation of the Landtag, as a free gift of princely grace. Thus the fundamental law, although in reality secured by agreement with the Landtag, would take the form of a constitution granted from above, and the spectre of a political fundamental convention so terrifying to the rigid monarchists would be happily laid. At the same time, Lieutenant Schulz was dismissed the army, after Prince Emilius and the officers of his regiment had urgently petitioned the grand duke for " the removal of so unworthy a soldier " ; and when this had been done the princes for the first time became completely reconciled with the new order of affairs.[1] Respect for their elderly ruler induced the representative assemblies to accept with pleasure even the form of bestowal of the constitution, since in essential respects they had secured the fulfilment of almost all their desires ; nor was any contradiction expressed when the minister maintained the extremely debatable opinion that in the previous March the wisdom of the grand duke had enabled him to foresee the precise course of events. To sum up, by his skilful and firm management of the affair, Grolmann had first of all defeated the radicals, and had then completely disarmed the opposition at court, which, in view of the commencing decrepitude of the grand duke, might have caused incalculable damage. On December 17th the fundamental law was signed, and then, with a renewed outburst of ardent delight, was accepted by the chambers.

The Hessian constitution was very similar to the Badenese, but the Upper House, in accordance with the example set by Würtemberg, consisted only of nobles with a few members nominated by the sovereign prince. The landed gentry took their seats in the Lower House beside the representatives of the great towns and of the mixed electoral districts, so that " the aristocratic principle shall not gain the upper hand to an excessive degree " ; and since during the constitutional struggle experience had shown clearly enough how small was the value placed upon a Darmstadt house of peers by the old families which had been immediates of the empire, this difficulty was met in Hesse as it had been in Würtemberg by the remarkable prescription that a chamber which

[1] Petition of Prince Emilius and the Officers of the Chevauxlegers to the Grand Duke, November, 1820.

did not form a quorum was to be regarded as assentient. In respect of the quorum required for the conduct of business in the Lower House, the Hessian constitution, like all the other new fundamental laws of the south, contained extremely petty provisions. Since the bureaucracy regarded the legislative body as a government office which must conduct business for certain official hours, and since the popular representatives were salaried, the South German constitutions demanded that at least half, and in Bavaria and Würtemberg even two-thirds, of the representatives should always be present—a pettifogging ordinance which has ever since remained an unfortunate peculiarity of German parliamentary life, and which has greatly lowered the popular prestige of our representative institutions.

Taken as a whole, the Hessian fundamental law corresponded with the country's needs. Even the Prussian government recognised this, and expressed its warmest congratulations to the grand duke and his loyal subjects. " By the happy turn in the progress of this great affair," wrote Ancillon, " the monarchical principle, the fundamental principle of all German representative constitutions, has been maintained, inasmuch as his royal highness has himself deigned to grant this fundamental law to his estates, and since the freedom of his sovereign will and the lofty wisdom of his determinations have been manifested equally in what has been acceded to the wishes of the chambers and in what has been denied to these wishes." [1] The spirit of concord which animated this Landtag prevailed unenfeebled until the close of the session in the summer of 1821 ; nowhere did the honeymoon of constitutional life run its course so smoothly as in Darmstadt. Certain important laws were passed for the removal of the burdens on the peasantry, and henceforward the freeing of the soil was furthered with so much zeal that the complete economic enfranchisement of the countryfolk was secured at an earlier date in Hesse than in any other German state. The inhabitants of Hesse-Darmstadt, from the altitude of their modern conditions of life, looked down with intense self-satisfaction upon their neighbours in Electoral Hesse, and were accustomed to say, " When the last trump sounds, we will migrate to Electoral Hesse, for there they are always half a century behind the times."

In this way throughout South Germany the constitutional form of government had become predominant, and unquestionable

[1] Ancillon to Senden, January 10, 1821.

as it was that this course of affairs was necessary and wholesome, it was equally unquestionable that it introduced serious obstacles in the way of national unification. It was by Napoleon and by the victories of the Confederation of the Rhine that in the dismembered fragments of the south there had been first awakened a sense of community, a consciousness of High German distinctive peculiarity, which in the eighteenth century had still slumbered. Now, when the South Germans had begun to esteem their beautiful homeland as the classic region of German freedom, and to despise the great national memories of the armed north, this sense of separateness became accentuated. The chasm between north and south widened during subsequent years, and not until after painful disillusionments did the South Germans learn that nothing but the unity of Germany could safeguard their political freedom

CHAPTER II

LAST REFORMS OF HARDENBERG.

§ 1. THE NATIONAL DEBT EDICT AND THE TAX LAWS.

WHILST the Vienna conferences were engaged in Sisyphean labours upon the federal constitution, in Berlin a task was concluded which, though little regarded outside of Prussia, was to prove of far greater importance to Germany's future than all the proceedings of federal policy. In his old age, the chancellor put the finishing touches to the work of internal reform. He had regarded life with renewed confidence since the overthrow of his detested adversary Humboldt. He felt as if his youth had returned, and all the proud hopes of the first years of his chancellorship were revived. Just as then, a virtual dictator, he had twice emptied over the state a cornucopia of new laws, so now he proposed to terminate at a single stroke the reordering of the national economy. In the interim, a committee of the council of state, under the presidency of Klewitz and Bülow, had completed the drafting of the new tax laws; another committee, under the personal guidance of the chancellor, had examined the condition of the state finances and of the national debt. In the former committee J. G. Hoffmann was the leading intelligence; in the latter C. Rother. These two men were among Hardenberg's closest intimates, and he regarded their achievements as his own.

In three long addresses, he expounded his financial design to the king, and as soon as, on January 12th, he had convinced the monarch of the essential soundness of his views, he proposed that all the new laws concerning taxation and the national debt should at once be promulgated;[1] subsequently, in the course of the same year, were to be promulgated the new communes', circles', and provinces' ordinances, and finally the national constitution. In his impatience, he overlooked the fact that he had himself some time ago annulled the dictatorial authority with which the

[1] Hardenberg's Diary, January 10, 11, and 12, 1820.

king had entrusted him in the early days of the chancellorship. The new ministry of state and the council of state had now been in existence for years, and the ordinance prescribing the constitution of the last-named authority declared in unambiguous terms that all proposals for new legislation and for the reform of existing laws must be made to the king through the instrumentality of the council of state. Hardenberg, indeed, who had grown grey in the enjoyment of power, had long ceased to observe this prescription, for it seemed to him absurd that in relation to his own officials an absolute monarch should be thus restricted by forms. The sixteen new laws of the year 1818 received the royal sanction only after they had been discussed in the council of state; but in the following year, of twenty-seven new laws no more than sixteen were laid before that body.[1]

Thus the chancellor had already accustomed himself to ignore the council of state, and least of all in connection with the extremely unpopular finance laws did he desire to renounce this summary procedure. Since Humboldt's fall, the mood in official circles had become even more embittered. The love of scandal-mongering, the original sin of the capital, now became as conspicuous as it had been shortly before the battle of Jena; everyone indulged in criticism and complaint, doing this the more vigorously in proportion to the exalted character of his station. What abominable lies Varnhagen, filled with malicious glee, was now enabled every evening to unload into the foul morass of his diary! After his recall he had been allotted a handsome pension, in order to content him and to blunt the point of his sharp pen.[2] Moreover, he did not dare to attack the government openly. Instead, assuming the office of Acting Supreme Privy Knight of the Pen (as he was termed by the apt wit of the town), whispering and eavesdropping, he went stealthily about among the high officials and the authors of the capital. Here he learned from a most trustworthy source how scandalously General Knesebeck (a man of inviolable probity) was misusing military funds, not forgetting the while to line his own nest; the no less honourable Rother, who had recently bought an estate in Silesia, must assuredly have obtained the funds for this purchase by peculation; no treasury-note, it was said in these circles, should be

[1] Such was the reckoning made in the year 1827 by Duke Charles of Mecklenburg, president of the council of state (Memorial concerning the Council of State, March 8, 1827).

[2] Ministerial Despatch to Küster, August 7, 1819.

kept in the house overnight, for it was impossible to trust such a government for as long as twenty-four hours. Amid this febrile access of fault-finding, it did indeed seem a serious matter to lay before the council of state the legislative proposal dealing with the national debt, with all the disagreeable secrets which would thus be laid bare. A passionate dispute concerning each individual item in the account would inevitably ensue, and it would be impossible to keep these dissensions quiet. Since political parties did not as yet possess any other arena, almost all the important discussions in the council of state had hitherto soon become known in the upper circles of Berlin, always with detestable exaggerations, and more than once the king had found it necessary to give the members of the council a reminder of the duty of official secrecy.

The national credit was already insecure, and such gloomy rumours could not fail to give it a fatal blow. With incredible difficulty Klewitz was able to keep the quotation of treasury-bonds at seventy to seventy-one; in the following February, however, liabilities to the Navigation Company would fall due, to the amount of more than three million thalers; moreover, the deficit of the years 1817-19, a deficit whose existence Humboldt and his friends had so persistently denied, was now unmistakable, and must immediately be met. The need of ready money was crying; Rother had begun negotiations for a loan with several banks, and what would happen to these negotiations if the promised regulation of the national debt problem were to be once again postponed for many months, and if the public, which was in any case inclined to take a gloomy view of the country's financial straits, were to be further disquieted by partially true reports derived from the council of state? So pressing was the pecuniary embarrassment that the immediate promulgation of the tax laws seemed to the chancellor indispensable. Whilst the ministry and the council of state might subsequently discuss the laws, and propose a few amendments, it was impossible for the state to wait a single month longer before tapping the new sources of revenue. "What would your majesty think," wrote Hardenberg to the king, "of the chief administrator of a large town, faced by the outbreak of a conflagration threatening universal destruction, and aware that the appliances for combating such an outbreak were defective, if, instead of immediately turning to account all the means at his disposal, he were first to propose a discussion in the town council concerning the provision of improved appliances?"

The king's sense of justice made it impossible for him to agree to the use of such arbitrary measures. Frederick William was afraid that the disregard of formalities would yet further increase the disfavour with which the tax laws would certainly be received; he insisted that the council of state should be consulted as prescribed by the regulations, and sent Witzleben from Potsdam with instructions to talk over the impatient chancellor.[1] As the king's confidant explained, what was now essential was "to reduce to order the finances of a state which resembled a dismasted ship driven about by the winds and the waves of this stormy time, a ship which could not merely be kept afloat by the wise captaincy of a great statesman, but which would arise renewed like a phœnix." In face of so comprehensive an undertaking, it would never do to disregard the fundamental laws of the state, and among these fundamental laws must be reckoned the ordinances concerning the council of state and the ministry of state, which, "until replaced, must be regarded as the national charter." In the last resort, the deficit in the revenue which would arise from the postponement of the tax laws, could now, as in the year 1808, be covered by deductions from official salaries. "No other motive actuates me," declared Witzleben in conclusion, "than my conviction of the importance of the matter, and my anxiety that the lustre of a name which shines so brightly in the annals of the fatherland should not be dimmed through the infringement of laws which the bearer of that name had himself instituted."[2]

Hardenberg was by no means convinced even by these cordial exhortations, but he could not disregard the monarch's express desire. The king, however, had also come to recognise that the regulation of this matter of the debt would be impossible unless inviolable secrecy were preserved, and consequently, upon Rother's proposal, a compromise was adopted. It was determined that the rights of the two highest authorities should be respected as far as possible, and therefore that all the tax laws, which did in fact require a detailed re-examination, should be submitted to the ministry and the council of state, but the national debt edicts were to be immediately promulgated.[3]

[1] Albrecht to Hardenberg, January 13 and 16, 1820.

[2] Witzleben, Humble Memorandum, January 16, 1820. C. Dieterici, in his Geschichte der Steuerreform in Preussen, Berlin, 1875, quotes (on p. 235) certain passages from this memorial, but erroneously describes it as a Royal Instruction to the chancellor.

[3] Rother to Hardenberg, January 16; Hardenberg to Rother, January 16; Hardenberg's Diary, January 16 and 17, 1820.

On January 17, 1820, the ordinance concerning the national debt was therefore issued, giving a statement of liabilities, and declaring this statement final. At length, four full years after the conclusion of peace, Prussians were to learn the tragical legacy of Napoleonic days. At the end of the year 1806, the entire national debt had been a little less than 54,500,000 thalers; the debt now amounted to 180,091,720 thalers in interest-bearing bonds, more than 11,000,000 thalers in paper money on which no interest was paid, and nearly 26,000,000 thalers representing provincial debts taken over by the state; thus the total debt was 217,248,762 thalers, about as much as the entire state revenue for four and a quarter years. Of the interest-bearing debt, the chief item consisted of 119,500,000 thalers. These bonds, introduced by Hardenberg in the year 1810, had since July 1, 1814, regularly received interest at the rate of four per cent., and it was proposed that all the state debt should gradually be converted into treasury bonds. Twenty-four different varieties of debt with which the state had been burdened amid the turmoils of the time—Russian and Polish promissory notes, bills for arrears of salary, vouchers given in exchange for army requisitions, Kalckreuth-Danzig bonds, etc.—had already been converted into treasury bonds. In this matter Prussia acted with a fairness and honesty almost unparalleled in European financial history. For example, King Jerome had written down to a third of their nominal value the territorial bonds taken over with his Old Prussian provinces. When the region was restored to its former ruler, the matter had long ceased to rankle, and as far as legal obligation was concerned it was unquestionable that all Prussia need do was to assume responsibility for her share in the Westphalian debt at current valuation. The king, however, desired the name of Prussia to remain unsullied, and, notwithstanding the financial need of the hour, recognised the outstanding debt at the full original value of 7,200,000 thalers, and also paid the astonished creditors the arrears of interest for the years 1814 and 1815. Even this piece of meticulous honesty was rewarded with calumny at the hands of disaffected members of high society, Marwitz grumbling that the chancellor had thrown yet another gift into the rapacious maw of his favourites the usurers.

In the financial statement it was explained that a portion only of the treasury bonds was already in circulation, another portion being reserved for the extraordinary needs of the near future; but the amount of this latter portion remained unspecified,

and perforce. For, in January, 1820, of the 119,500,000 thalers' worth of treasury bonds, the state had issued no more than 59,685,000 thalers, of which 4,000,000 had already been redeemed, so that more than half of the total amount, 60,000,000 in all, was reserved to meet the expenses of making roads and of building fortifications during the next few years, and to cover items of debt whose extent was still unknown to the authorities. The published statement did not give an account of the true burden of debt, but merely a preliminary estimate, which had been drafted by Rother with astounding ability, for it was approximately correct, although founded mainly upon surmise. It was still impossible to secure a definite knowledge of the composite debts which, with indescribable confusion, had accrued in these numerous territories. Moreover, so profoundly depressed was the spirit of enterprise in this impoverished and discouraged generation that even the creditors displayed incredible dilatoriness in presenting statements of what was owing; vainly did the state again and again declare time-limits for the presentation of old claims, for the accounts were never completely rendered. Great was the labour before it could be ascertained with certainty that the debt of the duchy of Saxony amounted to 11,290,000 thalers. When this had at length been decided, it was necessary to conduct tedious negotiations with the crown of Saxony, which, as may readily be understood, displayed an extremely unaccommodating spirit, and, after that, the authorities had to come to terms with seven feudal corporations, for every one of the seven territorial divisions of Electoral Saxony had its own separate debt, and enjoyed in addition a share in the central debt of the little kingdom. Even as late as the year 1827, it was not yet precisely determined how much Prussia had to take over of the central debt of the kingdom of Westphalia; for Hanover, Brunswick, and, above all, the avaricious Elector of Hesse, continually raised fresh difficulties in the negotiations.

In such circumstances, it was necessary that the crown should retain a free hand for some years to come as regards the issue of new treasury bonds, for otherwise the settlement of the matter of the debt would be indefinitely postponed. It was for this reason that Hardenberg so anxiously endeavoured to avoid the discussion of the question in the plenum of the council of state. In nations possessing a strong sense of the state and ripe economic insight, public credit is best maintained by perfect frankness on the part of the administration; but among this people of

Prussia, which did not as yet seriously believe in its newly created state, and which lent a greedy ear to every rumour, the whole truth could not safely be divulged. "More than half of the treasury bills still remain unissued!"—if this unprecedented intelligence had found its way into the market place from the council of state, beyond question there would have been a panic in the business world, there would have been a grave fall in the price of securities, and the entire work of reform would have been nullified. For the moment, complete reticence was indispensable; but unfortunately when the authorities had become accustomed to working in secret, secrecy was maintained long after it had ceased to be necessary. As late as the year 1824, Leopold Krug, the political economist, who had once induced Baron von Stein to establish the statistical bureau, and who under Hoffmann's leadership was now playing an active part in this department, was unable to secure permission for the printing of his *History of the Prussian National Debt*. It was not until ten years later, not until 1834, that the national debt administration for the first time permitted the publication of an abstract from its official reports.

As security for the debts thus calculated, the state pledged its entire property, and in especial the domains and forests. The interest of the debt and cost of the sinking-fund were provided, first of all, out of the income from the domains and forests, next out of the sums received on account of sales of the domains, and finally, in case of need, out of the proceeds of the sale of salt. Despite the fact that the dominant economic theories regarded all state ownership of land as unsound, the financial administration proceeded very cautiously with the alienation of the domains. Due allowance was made for the alleviations obtainable for this heavily taxed people out of the rich lands owned by the monarchy, and as a rule only small areas whose administration by the state was exceptionally costly were brought under the hammer, and these, owing to vigorous competition among purchasers, secured high prices. During the years 1821-7, such sales and amortisations brought in more than 13,500,000 thalers, effecting a reduction of annual interest amounting to 354,000 thalers, and yet the greater part of the domains was retained in the hands of the state, and the total revenue from this source was undiminished.[1]

The entire administration of the debt was entrusted to a special central authority. What an uproar there was at court

[1] Motz, Administrative Report of the ministry of finance for the years 1825-7, May 30, 1828.

and in the circles of the old bureaucracy when the king appointed to this "chief administration of the national debt," in addition to President Rother and three other high officials, an untitled merchant, David Schickler by name, head of a great Berlin banking house; beyond question now, as Marwitz had always predicted, the state had been hopelessly surrendered to the usurers! The new authority was completely independent, deriving its revenues directly from the provincial treasuries, so that Rother, regardless of the minister of finance, who was still unable to meet the deficit, could proceed without delay to pay interest and provide sinking fund strictly in accordance with the original design. But the machine of the financial administration was already cumbrous, and the addition of this new wheel made it almost unmanageable. The dispersal of affairs among so many co-ordinated authorities strongly recalled the chaotic conditions of 1806. Besides the minister of finance, there was a minister of the treasury, Count Lottum, who had just been commissioned to devote all the savings and increases of revenue of the current administration to the re-establishment of the long since dissipated public reserve; subordinate to Lottum, but in reality altogether independent, was Ladenberg of the audit office, the pitiless critic of the national expenditure. Now came the new debt administration to deprive the unhappy minister of finance of the domain revenues as well.

It is not surprising that Klewitz was unable to cover the deficit, and that the chancellor found the ancient sin of his officialdom, the quarrels between the departments, wellnigh uncontrollable. It was, indeed, far from easy to tolerate Rother's irrepressible official zeal. He was always on hand, like the evil one, when in any out-of-the-way corner of the monarchy some fiscal obligation was to be remitted; every available thaler was demanded by him for his own department, on the ground that the entire property of the state was security for the national debt; whenever a voucher for salary for the old South Prussian officials came to hand, he insisted on additional authentication. On one occasion, the entire ministry of state sent in a complaint to the chancellor, to the effect that the sense of honour of the governments would be affronted if they were to continue subordinate to the orders of the national debt administration. Hardenberg's decision, however, was: "Honour is due not to individuals, but to the confidence of the monarch, who, before the eyes of the whole nation, has entrusted to these indviduals an important part of the administration." Thus Rother carried on his work

n continuous conflict with the other authorities, but was able to ecure that the debt administration should discharge its liabilities vith scrupulous punctuality, whereas disorder long prevailed in he budgets of the minister of finance.[1]

Contrary to expectation, the bourse accepted the statement f the debt in a friendly spirit; there was no fall in securities, or after the poisonous rumours of recent weeks the business world ad anticipated far more serious revelations. Nevertheless the ational credit remained extremely insecure and sensitive. In he summer of 1820, when it became necessary to issue thirty illions of the reserved treasury bonds, Rother did not venture o sell the paper openly on the bourse, for this would have led to a harp fall in prices. With the help of some of the German banks, e instituted a premium lottery, and thus, adroitly availing imself of the fluctuation in prices, was able on favourable terms o place treasury bonds to the amount of 27,000,000 thalers in he hands of the public. Again, in the year 1822, a new issue of 4,500,000 worth of treasury bonds could be effected only by ledging the bonds with the London house of Rothschild through he instrumentality of the Navigation Company, the king per- onally endorsing a bond to the amount of more than £3,500,000 terling. All in all, there were never issued bonds for more than 15,000,000 thalers, nor were these ever in circulation all t once. A considerable period was to elapse before a certain onfidence was restored in the discredited Prussian paper. From 820 onwards, treasury bonds were regularly negotiable in Leipzig, nd after 1824 also in Hamburg and Frankfort, being entered mong the official quotations on the bourse. In 1821, the price nce more fell as low as 66; then an improvement set in, and 1825 the bonds were for a considerable period quoted at 90-91. ut shortly after this, owing to the commercial crisis, a fresh ecline occurred, and it was not until 1828 that the value of 1825 as regained. Finally, in December, 1829, Rother was able to nnounce in triumph to the king that the trouble was over, and at the bonds were quoted at par.

The settlement of this matter of the national debt rendered ossible, in addition, the settlement of the so-called *Peräquations- age* which had been a subject of passionate dispute for years. he finance edict of 1810, rich in pledges, had promised an adjust- ent of all the war debts of the provinces, but it speedily became

[1] Hardenberg to the ministry of state, June 26, 1821; to Rother, February, 21; to the minister of the treasury, February, 1821; etc.

apparent that this pledge could not possibly be fulfilled. Under pressure of need, each region had appraised its losses from the war after its own fancies, and often in an extremely arbitrary manner. Where was there to be found a common measure to harmonise these estimates? Would it be expedient to offer new cause of embitterment to the Rhinelanders, the Poles, and the electoral Saxons, who did not yet feel themselves to be Prussians, and who regarded the Prussian national debt as a foreign burden imposed upon them by force, seeing that the adjustment would have advantaged only the more severely afflicted region of Old Prussia? The sole course open was to revoke the inconsiderate pledge, and to leave to the provinces and municipalities all the genuinely local liabilities, with the sole exception of the French contributions.[1] In the year 1822, the municipalities of the western provinces were ordered by law to undertake the deliberate extinction of their debts and the payment of arrears of interest. It was only in an exceptional case, and for reasons of equity, that the state assumed responsibility for the war debts of certain utterly helpless territories (Electoral Mark, Neumark, East Prussia, and Lithuania), amounting to nearly 8,000,000 thalers; of this amount, 1,100,000 thalers were allotted to the unhappy Königsberg—a mere drop in the ocean. The regulation of the Danzig debt involved quite peculiar difficulties. During the seven years of republican independence the town had become indebted to the extent of nearly 12,000,000 thalers, its bonds were quoted at $33\frac{1}{3}$, and no one could say how much of this debt ought to be regarded as national and how much as municipal. The community was utterly impoverished, but it was impossible for the Prussian state to increase its own national debt by one-twentieth for the advantage of a single town. It was therefore determined in this case to depart from the principle of unconditionally recognising all the state debts. The Danzig debt was written down to a third of its nominal value, the current quotation being accepted as the real value for the interest and sinking-fund, the area of the former free town paid 30,000 thalers per annum, while Prussia paid the balance, amounting to 115,000 thalers per annum.

Taken all in all, in the year 1822 the national debt amounted to 20 thalers per head of population, and the interest to 25 sgr. her head per annum, no light burden for an impoverished people. But the burden was endured. Down to the year 1848, 173,500,000

[1] Protocols of the council of state, March 20 and 27, 1821, and subsequent dates.

thalers had been paid in interest, 80,500,000 thalers had been paid off, and in addition the collection of the new state reserve had been begun, this amounting in the year 1835 to more than 40,000,000 thalers.

Of almost greater importance than the financial content of the national debt law was its political content, for in Hardenberg's view the measure was destined, not merely to restore order to the national finances, but also to effect the conclusion of the constitutional struggle. In the third article of the ordinance, the statement that all the domains were security for the debt was followed by the inconspicuous addition, "with the exception of those domains which are requisite for the provision of the annual sum devoted to the maintenance of the royal family, amounting to two and a half million thalers." This casual reference involved a momentous change in Prussian constitutional law. Hitherto the crown had met the needs of the court at its own discretion out of the income from the domains, but now it prescribed for itself a definite annual income, a modest sum which could suffice only if rigid economy were practised, for the expenses of the court had been notably increased by the acquisition of the new provinces. The absolute king henceforward received a legally decreed civil list, just like the constitutional princes; but the discredited modern name was avoided, and the royal income was not established (as in several of the South German states) merely for the sovereign's lifetime, but was specified once for all, a measure far more accordant with the dignity of the crown. Nor did the princes receive any apanage from the state, the king remaining, in accordance with Hohenzollern traditions, unrestricted chief of the royal house, allotting incomes to the members of the dynasty in accordance with ancient prescriptions and testaments which were a family secret. In this way was obviated a serious constitutional difficulty, for Frederick William could never have tolerated such unseemly proceedings as had taken place in the Badenese diet concerning the income of the ruling house, while he nevertheless reserved a genuine privilege for the future national assembly, for without the approval of that body it would no longer be possible for the crown to diminish the portion of revenue from the domains devoted to the payment of interest and sinking-fund of the national debt.

This whole matter of the debt was henceforward to be placed in the hands of the national assembly, article 2 declaring that

the king could not issue new loans without the assembly's co-guarantee. The rights of the national assembly were specified in advance even in matters of detail. The debt administration was instructed to render an account annually to the assembly. When a vacancy occurred in the administration, the assembly was to nominate three candidates for the post, and the king was to appoint one of these. For the time being, the council of state was to exercise the rights of the national assembly; for the safe-guarding of the cancelled bonds, a deputation of the Berlin town council was summoned, to function until the national assembly should be convened, for obviously this strange and arbitrary measure could be no more than a temporary resource. All these proposals were unreflectingly approved by the king, and the chancellor believed that he had almost attained the goal of his desires. After so many new promises, the completion of the constitution seemed inevitable, and Berstett of Baden, Metternich's confidant, contemplated with a heavy heart this unhappy edict, which was liable to such grave misinterpretations.[1] Beyond question it was a dangerous venture that Hardenberg should once more pledge the royal word to unspecified values, that he should limit the rights of the crown in favour of his as yet non-existent national assembly. But he now definitely hoped that the assembly might be opened a year later, and until then it would certainly be possible to avoid the issue of further loans; even if an unanticipated war should break out, the state would still possess a last resort in the reserved treasury bonds. The pledge that the assembly should co-operate was also dictated by financial considerations, for this was the only way in which the debt edict could be ensured a favourable reception from the business world. Even Rother, who was by no means to be numbered among liberal partisans, openly declared that it would be impossible to maintain public credit for any prolonged period without a national assembly.

The friends of the constitution now became animated with fresh hopes. Marwitz, however, opined that in consequence of the new civil list and the sale of the domains the king would "lose his roots in the state," whereas Schön, the liberal, complained that since the institution of the civil list (*Kronfideikommiss*) the king had been reduced to the level of first among the country squires. The leader of the Brandenburg nobles considered that the national debt should simply have been written down to

[1] Berstett to General Stockhorn, January, 1820.

one-third or one-tenth of its nominal value, for the interest served merely to fill the purses of usurers. The worst of all was that simultaneously with the promulgation of the debt edict the chancellor carried out the long prepared and indispensable attack upon the feudal institutions of Brandenburg. Since the state, in taking over all the provincial debts, adopted responsibility also for the Brandenburg debt which had hitherto been administered by the estates of Electoral Mark, the Landschaft (representative chamber of Electoral Mark) was legally abolished, with its various tax treasuries, administering the revenues derived from numerous local feudal exactions. "The other representative conditions," declared the king, "are not affected by this, but must be dealt with later, as provided by the ordinance of May 22nd." When the landed gentry, in an extremely disrespectful memorial, entered a protest on the ground of the alleged infringement of their rights, the monarch administered a sharp reproof. The lord-lieutenant took possession of the Berliner Landhaus (the place of assembly of the Landschaft of Electoral Mark); the leaders of the landed gentry, led by the ex-minister Voss-Buch, refusing all co-operation. Thus once again, as nine years earlier, Hardenberg played the part of the relentlessly resolute controller of the Mark nobles. Friedrich Buchholz, who had at an earlier date sung the glories of the feudal liberties of the Mark, now considered it time to point out, in the *Neue Monatsschrift für Deutschland*, that the re-establishment of the old conditions was impossible and that nothing but a genuine popular representation was adequate to the new time.

The feudal particularism of the Rhenish Westphalian nobles had also a cool reception. When, shortly before, they had demanded the re-establishment of their privileged jurisdiction, they had been met by the minister of justice with a refusal. Now the estates of County Mark, led once more by the indefatigable Bodelschwingh-Plettenberg, complained of the new taxes, and demanded "fixation of taxation for County Mark, in order to avert the most unfortunate immoralities, the destruction of so many families and of agriculture, and even the ruin of the entire province." The objection that the fixation of the spirit tax could not be effected without prohibiting export from the province, was countered by the simple assurance that owing to the high price of grain in the region the export of spirit was "inconceivable." The king rejoined that it was impossible to accede to "the proposal which you have transmitted me from yourselves

and certain other landowners and burghers of County Mark," and exhorted the petitioners "to make the sacrifices which the needs and the well-being of our common fatherland render essential." This answer led to a new petition, expressing the "profound distress" with which the Markers for the first time witness their "peculiarity as estates abolished." The chancellor stood his ground firmly, and at length, as previously recounted, on May 10th enunciated as a general principle that the state would not recognise any of the estates which had been abolished by the foreign dominion.[1]

Thus the feudalist movement seemed to run counter to the fixed determination of the king's majesty. Moreover, the unfortunate mistrust which Metternich's and Wittgenstein's insinuations had aroused in the mind of the monarch was gradually passing away. When the municipal representatives of Berlin proposed to found a great association to pay off the national debt by voluntary contributions, the king (March 2nd) rejected the ingenuous proposal as needless, but expressed his thanks in moving terms: "I know that I can count with absolute confidence upon the steadfast devotion of my faithful subjects, a devotion which they have shown in recent years towards myself and towards the fatherland, to the imperishable glory of the Prussian name." In this depressed and embittered epoch the clear and thrilling tones of the year 1813 once again became audible.

On the same day on which the national debt account was settled, the utterly decayed Frederician Navigation Company (*Seehandlung*) received a new charter. Henceforward it was to function as an independent banking house, under guarantee of the crown, to carry on the monetary transactions of the state, and to give support to the latter in its credit operations. Since Rother was appointed at the head of the institution, it was able, in collaboration with the national debt administration, to render valuable services in the floating of foreign loans. In respect of overseas trade, with which the company soon began to concern itself once more, it was also able to do useful work as long as shippers and merchants had not yet recovered their spirit of enterprise. The ships of the Navigation Company were the first to carry the Prussian flag round the world, for the vessels from the German harbours on the Baltic had rarely voyaged further than Bordeaux and Lisbon. The company took the initiative in

[1] Petitions from the estates of County Mark, January 31 and April 30; the King's Reply, February 27, 1820.

opening the important market of the south American colonies to the weavers of the Riesengebirge, and since its sailors were exempt from military service it preserved for the country a race of tried native-born seamen. The seamy side of this state activity was not displayed until a later date, when Rother, proud of his success, had acquired for the Navigation Company a whole series of variegated agricultural and industrial undertakings.

Whilst care was thus taken to re-establish the national credit, the Bank of Prussia also began to recover slowly from its disorganised condition. How brilliant had seemed the success of this creation of Frederick the Great during the smooth decade subsequent to the peace of Basle. But its prosperity was no more than apparent. Under the heedless management of Schulenburg-Kehnert, the bank had completely lost sight of its primary purposes, the support of trade by advances, and the favouring of monetary circulation. It had undergone transformation into a great savings-bank, which took charge of the funds of minors and of charitable foundations in order to lend them out to landed proprietors, chiefly in the Polish provinces. Shortly before the war of 1806, when Stein became minister of finance, he immediately recognised the danger, and forbade the bank to invest its funds on mortgage. The precaution came too late. The war broke out, the Polish provinces revolted, and in a moment the credit of the bank collapsed. Next came the ruthless *coup de main* of the Bayonne convention. In manifest defiance of article 25 of the peace of Tilsit, Napoleon seized the claims of the credit institutes of Prussia against Polish estates and sold them to the Saxon-Polish government. The bank lost ten million thalers, fully two-fifths of its entire assets, and its creditors suffered nameless miseries. For years no interest could be paid; and in addition the state authority, in its financial need, on several occasions, and even after 1815, forced the bank to make advances to the treasury. It was not until November 3, 1817, that, upon Rother's advice and in opposition to that of Bülow, the bank was detached from the financial administration, and was reorganised as an independent credit institute under supervision of the chancellor and a board of governors. But how desperate seemed the position. The books, which, after the catastrophe, had been very carelessly kept, showed a credit balance of 920,000 thalers. In reality there was a deficit of 7,192,000 thalers, for the bank had to pay interest upon liabilities exceeding 26,000,000 thalers, and of the credits, which were reckoned at a round sum

of 27,000,000 thalers, it gradually became apparent that 8,000,000 thalers' worth must be written off as valueless, while for the present as much as 15,250,000 thalers brought in no interest. Everyone anticipated that the only outcome of the next few years could be an honourable liquidation.

Friese, the new president of the bank, was alone free from doubts. This man, one of the most liberal intelligences of the East Prussian officials of Schrötter's school, had collaborated in all the administrative reforms effected under Stein, Dohna, and Hardenberg; subsequently, as a member of Stein's central administration, he had become intimately acquainted with the German minor states; during the occupation of Saxony he had been in charge of the complicated financial affairs of this kingdom, and had finally effected the difficult settlement with the court of Dresden. Though not one of Hardenberg's intimates, among all the high officials he was most closely associated with the chancellor's constitutional plans; he confidently looked forward to the political and economic strengthening of the bourgeoisie, which he regarded as the kernel of the nation; and he desired to play his own part in the great transformation. He believed himself capable of restoring to this degenerate bank its original economic functions. With a little courage the state might well have ventured to furnish the bank with adequate capital of its own, a thing this institution had always lacked; but mistrust of the bank's vitality was still insuperable, and it seemed indavisable to increase the national debt for such a purpose. The bank was therefore completely separated from the ministry of finance, and though it was administered by state officials, it was left exclusively to its own financial resources, so that for an entire generation it was carried on almost entirely without funds, with a deficit which was carefully hidden from the public—for the disclosure of the real state of affairs would, as least in these early years, inevitably have involved ruin.

Friese immediately reopened the deposit business, undertook business relationships with the new corporation of the Berlin merchants which had at this time (1820) just replaced the two antediluvian mercantile guilds, and gradually established ten provincial branches. He restricted the undertakings of the bank for the most part to genuine banking business, the receipt of deposits, and the discounting of bills of exchange, so that the bank could at any time readily realise its assets, and he thus strictly maintained its commercial character. Since the Naviga-

tion Company was responsible for the conduct of the national borrowings, the bank refused on principle to make any advances to the minister of finance, its only relationships with him being that, in order to strengthen its cash reserves, it took charge of the surpluses in the national treasuries. The outcome of this new commercial business, ably and prudently conducted, surpassed all expectations. The bank's turnover, which in the year 1818 did not amount to 44,000,000 thalers, in 1829 already exceeded 232,000,000; during the same period the cash reserve increased from 938,000 thalers to 5,300,000 thalers, and the total of readily realisable assets from something more than one million to nearly thirteen millions. The immaturity of the economic conditions of the day did, indeed, often make its influence felt. Throughout impoverished Europe the rate of discount was very high, sometimes reaching ten per cent., and hardly anywhere were the fluctuations in this rate so rapid as in Berlin, since lack of means compelled the bank to proceed very cautiously. In the year 1821, the rate of discount varied between three and eight per cent., the oscillations within a few days being sometimes as great as two or three per cent.; it was not until some years later that the institution became strong enough to prescribe for itself a maximum rate of discount.

As late as 1824, the Rothschilds and certain other great firms proposed the foundation, upon extremely alluring conditions, of a joint stock undertaking to replace the Bank of Prussia; but Niebuhr enlightened the king regarding the hidden designs of the bankers, and the scheme was rejected notwithstanding Wittgenstein's and Bülow's warm advocacy. By degrees the opinion of the mercantile world became more favourable towards the bank; its new business activities underwent continual increase, to the advantage of commerce; and the belief was that its safety was now assured. The real situation was very different. While the new activities were making such favourable progress, Friese was secretly engaged in discharging the confused liabilities of Napoleonic days—a desperate undertaking which pitilessly devoured all the gains of the new mercantile business, pushing the bank from one embarrassment to another. It is true that at the Vienna congress the Bayonne convention had been formally annulled by a Prusso-Russian agreement. But how were the debts amounting to 10,000,000 thalers to be collected from the landlords of the former duchy of Warsaw, hardly any of whom either could or would pay? Even in Posen and West Prussia,

Friese was not able to make his claims good without severe losses. The extreme measure of forced sale was useless; in the impoverished rural districts there were no purchasers, and all the bank could do was to take over a portion of the mortgaged lands, to administer this for the time being, and to await a more favourable opportunity for sale. But in the kingdom of Poland how interminable were the disputes with hostile debtors, corrupt courts, and swindling legal advisers! The new Polish government showed itself in these matters almost as antagonistic as had previously the Saxon government in Warsaw. Here also Friese was forced to administer large and complicated estates on behalf of the bank, and must ultimately congratulate himself on being quit of his bargain when in May, 1830, he disposed of the undesired and expensive possessions to the Polish government at a derisory figure, for almost immediately afterwards unhappy Poland was once again shattered by a fresh uprising.

Under such conditions it was nevertheless possible by the year 1828 to pay off the old debts, except for 2,000,000 thalers; but the real deficit of the bank at the time of Friese's death in the beginning of the year 1837, still exceeded 4,750,000 thalers, having been reduced in the interim by little more than 2,500,000 thalers. Nor had mistakes been altogether avoided, for the bank had to make profits at all hazards, and had therefore for a time undertaken dealings in metal and in paper which were out of harmony with its general aims. But taking it all in all, the affairs of the bank had progressed favourably since the unhappy Polish lands had been disposed of, and it remains Friese's great service that the Bank of Prussia, the oldest in Europe after the Bank of England and the Bank of Hamburg, was able by its own energies to recover from a situation of almost hopeless decay, whilst so many other banks succumbed to less violent storms.

The second and more difficult portion of the work of reform now began. Hardenberg had had the estimates repeatedly examined by Rother and other financiers, and after striking out numerous items had come to the final conclusion that the state could not meet its regular expenditure with less than 56,000,000 thalers, this involving an apparent deficit of 12,000,000 thalers, or, according to Rother's calculation, of 9,000,000 thalers.[1] The king could not endure the prospect of thus burdening his

[1] Rother, Candid Remarks concerning the National Finances, December 12; Witzleben Memorial concerning the State of the Finances, December, 1819.

impoverished people. In December, 1819, acting on Witzleben's advice, he appointed a new committee, of which the austere Ladenberg was a member, and this body remorselessly deleted all items other than those which seemed absolutely indispensable. The total cost of the foreign office was reduced to 600,000 thalers. The allowances to the diplomats fell below the level of decency, and for many years after this a Prussian envoy rarely ventured to send a courier; urgent despatches were as a rule entrusted to the couriers of friendly powers, or were carried by casual travellers. The reduction of army expenditure to 23,000,000 thalers was personally undertaken by the king; not only did he abolish a number of superfluous posts (doing away, for example, upon the suggestion of Governor Gneisenau himself, with the provision for the Berlin military government), but also his paternal conscientiousness induced him to cut off a considerable number of items which were really essential to the efficiency of the army. Vainly did the faithful Witzleben advise against this extreme measure.[1] Hacke, the minister of war, was deaf to all such admonitions; with the utmost pliability he agreed to reductions in the soldiers' allowances and rations, and even promised that in future recruits should be called up somewhat later than heretofore. Thus one of the pillars of the new military organisation, the three years' term of service, was destroyed almost unnoticed, and a return was begun towards that system of false economy which had been paid for so terribly at Jena. Whilst in the new province everyone was complaining of Frederick William's senseless military extravagance, in the royal cabinet the exiguous budget was being reduced by a further sum of 5,000,000 thalers, by means of new excisions, fully half of which concerned army expenditure, and the estimates account was declared closed simultaneously with the national debt account.

A cabinet order of January 17th instructed the ministry of state that the expenditure of the year of 1820 was not to exceed the sum of 50,863,150 thalers; the king hoped to effect yet further savings by reducing the army of officials in the central positions. Putting aside the sum of more than ten millions for the national debt, the annual expenditure for genuine administrative purposes amounted to 40,700,000 thalers, as compared with 26,000,000 thalers in the year 1805. But if to the 51,000,000 of the estimates were added certain items of expenditure previously deducted, including the cost of collecting the taxes, and if there were also

[1] Hardenberg's Diary, January 28, February 3, November 9, 1820.

added the allowance for the royal household and the contributions of the provinces and municipalities for national purposes, the total national expenditure amounted to nearly 70,000,000 thalers, and since the population was now 12,000,000, this was equivalent to 5 thalers 25 sgr. per head. The burden was heavy, for in the past fifteen years there had been a great decline in general prosperity! Nevertheless the activity of the state had in this period exhibited enormous increase; how much had been done on behalf of educational institutions, previously provided for so inadequately. In view of the functions now undertaken, the total expenditure seemed extremely modest, and sufficient only if the very strictest economy were observed. The king commanded that henceforward a financial statement should be published every three years, so that all could judge for themselves regarding the need for the expenditure. In this manner, to the delight of the constitutionalists, was introduced one of the most important institutions of the constitutional state. Finally, the ministry was commissioned to approve the tax law proposals, as based upon the financial statement, within a fortnight; then the matter would be discussed in the council state.

Since the fall of Humboldt, the ministry of state had become extremely subdued, and did not venture to offer any decisive contradiction. Bülow was the only member who on principle was opposed to the tax laws, and here, as previously in the tax committee, he was completely isolated. In the council of state, on the other hand, an embittered opposition manifested itself, the attack being directed, not merely against the indisputable portions of the proposals, but also against the necessity for the entire work of reform. For seven years now the financial administration had been carried on without any precise statement of accounts. In Prussia this was unprecedented; many excellent officials had consequently become disaffected; the preposterous fables current among the populace had even found their way to the interior of the council of state. Moreover, the supreme, deliberative authority of the monarchy felt affronted in its official dignity. The king's command, legally incontestable, was that the council was merely to give an opinion concerning the tax laws, but was not to re-examine the budget. Thus the council of state was not to deal with the question whether the increase in taxation was unavoidable, although this question was one with which all minds were passionately concerned. Consequently, the proceedings of the council soon displayed great tension, and it was

in vain that Hardenberg, in repeated conversations with the crown prince, endeavoured to allay the approaching storm.[1]

The victorious power of genius which had spoken so convincingly out of the laws of Stein was, indeed, not discernible in the new proposals. In his distinguished indolence, Hardenberg, the man of happy thoughts, had troubled little about the dry details of these tax laws ; whilst their real author, J. G. Hoffmann, a man of undeniable talent, lacked the poietic spirit of the reformer. Silesian by birth, firmly convinced of his own merits, Hoffmann was fond of boasting of the practical experience which, after thorough grounding in theory, he had gained in various factories. At the age of forty, succeeding Kraus in a professorial chair at Königsberg, he had for a brief term been engaged in academic activities. After the wars he accompanied the chancellor to all the congresses, and by his marvellous memory and his untiring industry he acquired among European diplomats the reputation of a statistical oracle. Under his guidance, the Berlin statistical bureau attained the position of an exemplary institution, one whose labours were equally indispensable to the men of the study and to those engaged in practical avocations. Like most of his professional colleagues, he had studied in the school of Adam Smith, and even before 1806 he had broken a lance on behalf of free trade. But his knowledge of the world and of business life preserved him from many of the exaggerations of the pure theorist. He insisted that the aim of political economy was not to secure the production of the greatest possible amount of wealth, but to bring about human well-being, and that it was therefore the duty of the state to safeguard the workman against the excessive power of the employer. To the horror of all faithful disciples of the English doctrine he declared that the Prussian institutions of compulsory military service and compulsory education were directly advantageous to economic life. All his thoughts and all his actions were devoted to the welfare of Prussia. A Prussian official to the core, he wrote every one of his scientific books " with especial reference to the Prussian state," and the elucidation of the laws and conditions of his native country was always more congenial to him than the elaboration of theoretical fundamentals. This lively appreciation of the realities of the life of the fatherland was not, indeed, free from a tacit conservatism, which led him, whenever possible, to make excuses for the established order of affairs. The old truth that every tax is to a certain

[1] Hardenberg's Diary, January 22 and 23, 1820.

extent passed on to others by those upon whom it is first imposed, and that every established exaction necessarily privileges certain members of the community at the expense of others, was one altogether after his own heart. He knew that every tax is, economically considered, an evil, and nothing seemed to him more preposterous than to encroach unduly upon established customs in the attempt to secure an unattainable abstract justice. His legal proposals were conceived in this spirit of cautious moderation.

The new budget showed a deficit of over 4,000,000 thalers, and since, further, Hardenberg purposed in various parts of the country to annul impracticable old taxes to the extent of fully 6,000,000 thalers, it was necessary to provide 10,500,000 thalers by fresh taxation. To raise this sum, Hoffmann revived the suggestion of a graduated poll-tax, a proposal he had made in 1817, as an appendix to the wishes of the assembly of notables.[1] But he did not venture to advocate the introduction of this tax for the entire state domain. Since the days of the Great Elector, the taxation of the rural districts had always remained distinct from that of the towns, for in the former the land-tax and in the latter the excise was the principal source of revenue. Only in 1810, the year of Hardenberg's great promises, were the authorities bold enough to tamper with this deep-rooted dualism; but a year later the premature attempt was relinquished, and since 1811, in the towns of the old provinces, there had been once more enforced a number of taxes upon articles of consumption, while in the country districts a rude poll-tax prevailed.[2] Hoffmann wished to interfere as little as possible with these traditional conditions, and therefore proposed that the incidence of the new graduated poll-tax should be restricted to the rural districts, and the minor towns; in the great towns, on the other hand, the far more lucrative taxes upon flour at the mill and on beeves were to be established. In amplification of these two leading imposts there was also to be introduced a moderate licence-tax upon the most profitable trades.

The most serious obstacle to reform was found in the inequality of the old land taxes, a subject of general complaint. This inequality was especially obnoxious in Posen, where, since the days of the Sarmatian nobles' regime, there had been in existence a tax known as the *podymna*, payable in proportion to

[1] Cf. Vol. II., p. 479.
[2] Cf. Vol. I., pp. 40, 435, 440.

the number of chimneys, and falling with undue severity upon the small occupiers. Equalisation of the land taxes was, however, impossible without a cadastral survey of the entire region, and the impoverished state could not wait for its new income until this survey had been effected. In these embarrassments, Hoffmann recurred to the unlucky idea of the proportional allotment of taxation which, mooted in the council of state three years earlier, still found warm advocates among the dissatisfied Rhinelanders and Westphalians. He wished to allot the entire total of national taxes, the customs dues excepted, to the various provinces proportionally to population, calculating for each province in this way its land taxes, and its national taxes in respect of wine, spirits, and tobacco, raising the balance only by the new taxes.

In the council of state this weakly concession to misguided public opinion was immediately resisted, and with good reason. How unjust it would be to impose upon the exhausted old provinces a higher graduated poll-tax than upon well-to-do Rhineland. In Silesia, economic conditions were so desperate that upon the right bank of the Oder numerous manors in which the war had wrought havoc remained ownerless for years because no purchaser was forthcoming. Moreover, was it certain that the Rhinelanders were taxed as unjustly as they contended? In the lamentable condition of the cadaster, no definite answer could be given. If the measure of population were employed, the one which in the Prussian bureaus was regarded as the most trustworthy evidence of national prosperity, and the one which was invariably employed in customs negotiations with neighbour states, it was unquestionable that the land taxation per head of population was fully fifty per cent. more in the province of Saxony than on the Rhine; forty years later, when the equalisation of the land taxes was at length effected, it became apparent that the Silesians and not the Rhinelanders had paid the highest percentage of the net yield of the soil, the Westphalians coming next, and then the Saxons. Such average calculations based upon the total taxation of the provinces could not possibly afford a true picture of the economic situation, for the grossest inequalities of the old system of land taxation were displayed within the limits of the individual provinces. Was it permissible that the peasants of Pomerania and Mark, who already paid heavy land taxes, should be further burdened with an increased poll-tax, because, in the regions where these peasants lived, there were numerous manors

which paid no taxes at all? Even more serious than these well-grounded considerations was the danger which threatened national unity. Should the taxes be proportionally allotted, a subsequent increase would be possible only after hearing the views of eight or ten provincial diets; consequently, as before 1806, the national economy would be subjected to the paralysing influences of particularism, and would relapse into that helpless stagnation which had entailed so much disaster at the time of the revolutionary wars. These considerations, expressly formulated by Bülow, proved decisive. The council of state rejected proportional allotment by thirty-six votes to thirteen, and the chancellor had to admit that the proposals of his committee would not abolish existing inequalities, but were perhaps more likely to increase these.[1] Thus the worst fault of the new scheme was fortunately obviated, and the king noted with satisfaction that he had done well to insist, undisturbed by Hardenberg's opposition, upon a further consultation of the council of state.

The plan of the poll-tax, as hitherto drafted, also seemed extremely unfinished, and even crude. Hoffmann was and remained an opponent of income tax. Since in the year 1812, in an epoch of extreme economic disorder, it had proved impossible to institute this tax, he considered it thoroughly proved that the income tax was detestable and unpractical. In actual fact, the state of the national economy was not yet ripe for this form of taxation. Fully nine-tenths of the peasants, still living amid the customs of a traditional natural economy, were quite unable to estimate their incomes in terms of money; the upper classes, on the other hand, must first become accustomed to direct taxation, and they would never have endured that the state should demand from them a precise account of income. Hoffmann therefore contented himself with dividing the entire population into four great classes, in accordance with the average mode of life; and, with doctrinaire assurance, he described these divisions as "the four natural classes of German society." In the first class, each household was to pay twenty-four thalers per annum, while in the fourth class every adult was to pay half a thaler per annum. Unsuspectingly the learned statistician thus opened a path which was ultimately to lead to the detested income tax. The four classes were so arbitrarily defined that grievances regarding the allotment of taxation were inevitable; if equal justice was to be done, the only possible way was to effect

[1] Hardenberg's Opinion upon Quotisation, April 19, 1820.

a more precise examination of the incomes of those liable to taxation.

During the last six years, the idea of the income tax had quietly made progress, and it still operated with all the charm of novelty; experience had yet to teach that income too, so long as its various sources are not distinguished, affords a very uncertain measure of real taxable capacity. Among wide circles of the cultured bourgeoisie, and especially in Rhineland, income tax was already regarded as the ideal tax, and it found many zealous advocates even in the council of state. Among these were certain men of the old school, such as Ancillon, who, desiring to maintain the traditional system of indirect taxation, could see nothing but the defects of the graduated poll-tax. How severe, too, was the incidence upon the lower orders of Hoffmann's sub-division into four classes! It is true that the number of the well-to-do was still almost infinitesimal. The council of state calculated that in the whole of Prussia there were no more than about 8,000 families competent to pay twenty-four thalers per annum, but there were unquestionably 1,000 who could have paid a far higher tax, and these were to be favoured at the expense of the poor! The royal princes censured this evil in severe terms; they all showed themselves to be permeated with the popular sentiments of their house, to be imbued with the good old traditions of the "kingdom of the Beggars." To conciliate public opinion, it seemed especially desirable that the highest officials should be more heavily taxed, for throughout Germany it was the common belief that the life of the high official was one of enviable luxury; he had an assured income, and how few in this impoverished generation were in the like situation. Upon the proposal of Prince Augustus, on April 24th, the council of state decided to add to the four classes already proposed a fifth and highest class, whose members should be taxed at the rate of forty-eight thalers per household.[1]

With these individual discussions there was associated a dispute which threatened to reopen the question of all Hardenberg's financial designs. The reactionary party at court looked askance at the work of reform which was manifestly intended to pave the way for the introduction of the constitution. Not long before, the members of this party had lent a hand to the chancellor for the overthrow of Humboldt and Boyen. It now

[1] Minutes of the council of state, April 22 and 24, 1820.

seemed to them that the time had arrived to open the campaign against Hardenberg himself, the man who in Vienna, despite all his pliability, was considered the leader of the Prussian Jacobins. The onslaught was headed by Ancillon, with his former associates, Duke Charles of Mecklenburg, Wittgenstein, and Knesebeck. These were joined by the ex-minister Brockhausen, an old man still entirely devoted to the ideas of the nineties; and Lord-lieutenant Bülow, a rigid conservative, also made common cause with them. Even Vincke now drew near to this circle, whose political aims were so remote from his own. Since the promulgation of the Carlsbad decrees, the good man had been in an extremely ill humour. "Things go from bad to worse," he wrote despairingly to his friend Solms-Laubach; "there is simply no prospect of representative institutions of a kind different from the detestable ones of Austria." On several occasions he was on the point of resigning. Nothing but a keen sense of duty held him to his post, saying, "One must discipline oneself, and stay on." He regarded the high expenditure on the army as irresponsible extravagance. Moreover, his Old Prussian sense of order was profoundly affronted, for in the government of Westphalia he had become acquainted with many instances of remissness dating from Hardenberg's regime, and he inferred from this the probability that an increase of taxation had been necessitated solely by the spendthrift ways of the chancellor.[1]

The five royal princes who sat in the council of state were influenced by similar considerations. This was the case in respect of the romanticist and emotional crown prince, who was so delighted to hear praises of the good old time in the mouth of his former tutor, that Hardenberg wrote angrily in his diary, "The crown prince's attachment to the antique, per Ancillon!"[2] But it was equally true of the two princes William, the brother and the son of the king, whose inclinations were far more liberal. Since the Great Elector had with an iron hand established the foundations of the Prussian tax-system, the fiscal policy of the Hohenzollerns had remained conservative; and whenever there had been any deviation from this tradition of the house, as in the days of Frederick the Great, great discontent had been manifested among the people. To levy new taxes amounting to more than ten million thalers was unexampled in Prussian history,

[1] Vincke to Solms-Laubach, October 12, 1819; January 12, February 14, and May 18, 1820.

[2] Hardenberg's Diary, January 28, 1820.

and yet this was to be done immediately after the new customs-law had completely transformed the levies upon foreign commerce.

However cautious Hoffmann might be in carrying out the chancellor's design, Hardenberg's true intention was to effect a thoroughgoing reform. Should he carry his plans into execution, with the exception of the land tax not one of the traditional taxes of the monarchy would remain unaltered. The unity of the market, which the customs-law established as a principle, would first be realised by the abolition of all the old excises and octrois. Internal trade would at length be completely freed, except for the few burdensome dues payable at the gates of those towns in which the taxes upon flour at the mill and upon beeves were enforced; and in place of the old financial policy, which had separated the widely dispersed provinces each from the others as semi-independent territories, there came into operation an entirely new system, a policy of national unity, which in course of time must inevitably lead to the subjection also of the intervening petty states. This venture was hardly less audacious than had been the reforms of 1808 and 1810. To the non-expert, so radical an innovation of necessity seemed undesirable, and indeed even dangerous in view of the disaffection in the new provinces. Moreover the graduated poll-tax exhibited undeniable defects. Even after the council of state had established a new highest class for the well-to-do, the favouring of the rich was still very striking, no household was to pay more than forty-eight thalers, simply because Hoffmann was afraid of arousing the class antagonism of the higher orders!

Thus it came to pass that a party strangely mingled of honourable and of dubious elements gathered around Ancillon. But the leader utterly lacked technical knowledge; he did not even attempt to put forward a counter-proposal, and contented himself with those empty phrases which never fail of utterance when amateurs vent their opinions upon financial matters. In the very first plenary sitting (April 20th), he defended the pusillanimous principle drawn from the domain of domestic economy, a principle which had been the cause of so many errors in the old monarchy, but whose enunciation now, on the eve of a comprehensive financial reform, sounded like mockery—the principle, namely, that expenditure must always be regulated in accordance with income. He then proposed that the monarch should be petitioned to authorise a fresh investigation in order to ascertain whether the increase in taxation could not be avoided by

economies. How these economies could possibly be effected, Ancillon was quite unable to suggest. The unaccustomed animation of the meek theologian showed clearly enough that his shaft was not winged against the tax laws but against the person of the chancellor. A thoughtful rejoinder by the finance minister was fruitless, for Klewitz, carried away by oratorical zeal, advanced the quite untenable contention that the budget was no higher now than it had been in the year 1803.[1] The timid Altenstein, who presided, could not in the end save the situation in any other way than by ruling Ancillon's motion out of order. There was no valid legal objection to this ruling, for by the old constitutional law the financial statement was not itself a law but a draft-proposal from the financial administration, and therefore the council of state was not entitled to propose any alteration. But what a thing to demand of his fellow members that they should accept the financial statement exactly as it stood when several of them hoped that by a reduction of expenditure an increase of taxation might be rendered needless. The assembly could not conceal its displeasure; before the sittings Ancillon's proposal was discussed in animated terms, and since the obligation of official secrecy was once more disregarded, all the malicious tongues of Berlin were soon repeating the assertion that the spendthrift administration was in a pitiable position before the assize-court of the council of state.

At length, however, the chancellor's eyes were opened. This, then, was the true friend whom he had called to his aid against Humboldt five months earlier! He considered that Ancillon was misleading the princes into the formation of a cabal, and on April 27th, with the king's approval,[2] he sent a despatch to the president of the council of state which displayed to his unctuous opponent all the superiority of the practical statesman. He referred ironically to Ancillon's edifying commonplaces, adding that it was easy to say, "expenditure must not exceed income, and it is better to give than to take." But Prussia's burden of debt was dependent upon the great misfortunes which had befallen the country from 1806 onwards, and upon the glorious struggles for freedom. It was now essential to fulfil the pledges of the state in their entirety, to meet not merely the current expenses but also the extraordinary expenditure which the restoration of the monarchy demanded. After the new deletion of

[1] Minutes of the council of state, April 20; Hardenberg's Diary, April 20, 1820.
[2] Hardenberg's Diary, April 27, 1820.

5,000,000 thalers, any further reduction of the financial statement was impossible. "In fact, the administration is censured most unjustly if it be said in the assembled council of state by those without thorough expert knowledge, 'no fresh taxes, economise, make the existing income suffice!' and if anxiety be expressed lest dissatisfaction should be aroused by the new burdens. I ask anyone who declares that an additional 5,000,000 can be economised to step forward and to indicate precisely how these economies can be effected without exposing the state to the gravest danger of decomposition. An administration based upon such a maxim is one in which I would not myself participate; I would forthwith sever my connection with it." When Ancillon renewed his proposal in the closing sitting of April 29th, Altenstein once more declared that he could not permit any discussion, and left it open to every member to lay his personal wishes before the king in an appendix to the protocol. To emphasise his own words he then read the chancellor's despatch.

Thereupon the crown prince broke forth in fierce anger, exclaiming to the president: "Tell the chancellor that the royal princes were sitting in the assembly he attacked with such severity!" On May 3rd, Hardenberg replied to the prince in a letter, using that winning mode of expression which so well became him. He reiterated his accusations against the council of state, but at the same time declared himself ready to make any desired explanation regarding the financial statement, and also ready to effect any economy if only the proposal were accompanied with detailed figures. The irritable young prince was speedily appeased, but in his friendly reply he expressly reiterated his request for an additional examination of the financial statement. "In my opinion," he wrote, "we live *in times in which not every proposal is permissible*, and I considered and still consider that to impose new taxes amounting to 5,000,000 thalers is *an extremely serious matter*. My only purpose is to exercise a favourable influence upon public opinion, for this is *pre-eminently* needed. *A further examination* of the financial statement will either show that economies are really possible, or else will convince the people that, *if the worst come to the worst*, they must put up with the new taxes." The chancellor now felt that he must not strain matters to the breaking point, although the fresh postponement would have to be severely paid for by the state; he desired to give the princes an opportunity of satisfying themselves that their anxieties were ill grounded, and promised that he would lay the

crown prince's wishes before the king, " although the examination demanded has already taken place more than once." [1]

Meanwhile the council of state had concluded its deliberations. In a minority report, eleven members of this body petitioned for an additional examination of the budget: the petitioners being the royal princes with the exception of the heir to the throne (for the last-named had now been appeased by Hardenberg's pledge), Vincke, Ancillon, and Ancillon's five ultra-conservative associates. Wittgenstein's opinion was couched in such general terms that no one could fail to see how little the courtier was really concerned about these problems of taxation. In moving terms, Ancillon depicted the disadvantages of the graduated poll-tax, without offering any suggestion for a substitute. Vincke insisted that the council of state was entitled to deliberate, not alone regarding the expediency, but also regarding the necessity of new taxes. The clearest of all the opinions was that of young Prince William, who with military brevity pointed out the defective feature of the proposals, respectfully asking his royal father whether " it would not be possible to tax the wealthier classes of the nation and the more highly paid officials more heavily, in order to alleviate the burdens of the poorer members of the community." [2]

Since the great majority of the council of state (numbering twenty-eight votes and including the leading financiers of the monarchy) had in essentials approved the chancellor's plans, the king now ratified the laws. He paid no attention to Ancillon's long-winded phraseology. But in order to enlighten the princes concerning " the true position of affairs " he commanded that a new committee should go through the financial statement once more, item by item, in collaboration with the members of the minority. The upshot was what Hardenberg had predicted to the crown prince. The doubters were forced to admit, not merely that any further reduction of expenditure was simply out of the question, but also that several of the already decreed economies could not possibly be effected until after the lapse of a considerable time.[3] This occupied two additional months, and the laws

[1] Hardenberg to the Crown Prince, May 3 and 5; the Crown Prince's Reply, May 4; Hardenberg's Diary, April 29, 1820, and subsequent dates.

[2] Wittgenstein's Opinion, May 7, 1820. Some of the other Opinions are quoted by Dieterici, op. cit., pp. 432 et seq.

[3] Cabinet Order to Altenstein, May 30; Cabinet Order to Hardenberg, June 12; Hardenberg to the Crown Prince, June 8; Hardenberg's Report to the King, June 12, 1820.

subscribed on May 30th could not be promulgated until August 7th. Injuriously as the state revenues were affected by this postponement, the chancellor had nevertheless secured important gains, for he had convinced the royal princes that the reform was indispensable, while Ancillon and his reactionary followers had temporarily been reduced to silence.

Amid such doubts and conscientious scruples, this absolute crown, whose severity was decried in the liberal world, made up its mind to an increase in taxation amounting to 5,000,000 thalers. The law of May 30th regarding the institution of taxation, established the foundations of the fiscal system firmly for a generation to come. Besides the customs-dues of 1818 and the taxes introduced in the following year on spirits, malt, wine, and tobacco, the following taxes were to be levied forthwith: the salt tax, which on the fruitful January 17th was regulated anew by equalisation of the price of salt; the land tax; the graduated poll-tax; the tax on flour at the mill and the tax on beeves; finally, as further resources, the licence-tax, and a stamp duty to be subsequently arranged. All that remained of the old octrois, excises, poll-taxes, and licence-taxes in the individual territories was abolished at a single blow. Everything in this fiscal system was new. Even the land tax, whose equalisation was reserved for discussion with the provincial diets, immediately underwent considerable alteration in those regions which had formerly been under French rule, and in Berg; under the foreign regime they had been very arbitrarily imposed, and were never henceforward to amount to more than one-fifth of the net produce. Since the complaints of the Rhinelanders were especially vociferous, the cadastral survey was begun on the Rhine, and was completed there in the year 1833.

By the decision of the council of state the poll-tax was to be graduated so as to apply to five different classes: one for the especially wealthy; two for the well-to-do; a fourth for the lesser burghers and the peasants; a fifth for wage earners, casual labourers, and servants. But it speedily became apparent how accurately Prince William had judged the mood of the country. Complaints that the wealthy were unduly favoured were voiced on all hands, and as early as September 5, 1821, two new upper tax-classes and several intermediate tax-classes for the lower orders were introduced, so that henceforward there were twelve degrees of taxation, ranging downwards from 144 thalers to half

a thaler. The Rhinelanders were not content even with this, and they continued to grumble until at length in the year 1830 the concession was made to them of establishing eighteen classes. By the nature of things the state was compelled to advance step by step towards the income tax; it was quite involuntarily that Hoffmann did that for which his admirers subsequently extolled him, leaving in the graduated poll-tax a legacy for coming generations. At first the new tax found opponents almost everywhere, and it was in conflict with these opponents that the stalwart young Ludwig Kühne, who had recently been summoned to the general board of taxation, won his spurs. To quote his own words: "It was a real advantage for the maintenance of this tax that at this time I still fought with any weapon that came to hand, laying about me lustily, and suffering no attack, whether it came from the side, from above downwards, or from below upwards, without undertaking a vigorous rejoinder, and one which in respect of form may have at times been unduly rough. When my opponents had been rapped once or twice smartly upon the knuckles, they became somewhat more careful, and had perforce to look more closely into the matter; but I am convinced that the graduated poll-tax, if weakly defended, would not have endured for a single year." After the first stormy outbreak of discontent had subsided, the tax, crude as it was, was successful beyond all expectation, so that the arrears did not exceed $2\frac{1}{3}$ per cent., for the rate of taxation was moderate, and the total yield during the next twelve years averaged only 6,800,000 thalers per annum, while the land tax amounted to 10,000,000; and the unpopular work of collection was undertaken by the communes themselves, for the old officialdom, its self-satisfaction notwithstanding, was well aware that the bureaucracy was not competent to effect such a task by its own powers.

The graduated poll-tax applied to no more than six-sevenths of the population. One hundred and thirty-two towns paid the more lucrative taxes on flour at the mill and on beeves, among these towns being all the great municipalities, but also some decayed minor Jewish towns of Poland, such as Schneidemühl, which might perhaps have completely escaped the graduated poll-tax—for the minister of finance had to take every possible precaution to avoid the loss of any available revenue! Even this tax aroused lively opposition. Many devout taxpayers reminded the pious king of the text in the Old Testament which forbids the taxation of bread. But it soon became plain that a part of the

tax was met by an increase in wages, and that the lower classes were less severely affected by it than the dominant economic doctrine maintained. Finally, the new licence-tax left the lesser manual workers, those who worked for themselves without assistance, untaxed, but this did not result, as the timid Ancillon had feared, in an immoderate increase in petty industry. Notwithstanding freedom of occupation, and despite the extensive transformations in political life, the state of petty industry remained almost unchanged during these quiet years of renunciation. In the year 1830, almost precisely as in the year 1800, there was one master tailor for every 240 inhabitants, and one bootmaker for every 200, whilst there were twice as many master craftsmen as journeymen, so that all could still hope that they would themselves become masters.

In the year 1822, to conclude the work of fiscal reform, certain stamp taxes were introduced, and among these a newspaper stamp duty whose yield in an epoch of political and economic exhaustion was of necessity extremely modest. Even books were in the habit of passing from the hands of the unfortunate owner through those of one borrower after another ; as for the newspapers, the man of education read these at the club or the coffee house, and anyone who went further than this would share a newspaper with a dozen neighbours. As late as 1835, in the whole of Prussia, of newspapers and periodicals printed in that country barely 43,000 copies were sold, while the circulation of non-Prussian issues was about 3,700, the total being less than that which a single great newspaper prints to-day.

This exiguity of all the conditions of life exercised its influence also upon the new coinage law which Hardenberg regarded as an indispensable complement to the work of financial reform, and which came into being on September 5, 1821, thanks chiefly to Hoffmann. The Prussian thaler, helped by the natural energy of the wide market in which it was legal tender, had long before made victorious progress through Germany far beyond the boundaries of the Prussian state, although the East Prussians in their daily intercourse still preferred to reckon in the familiar gulden and düttchen, and the new provinces adhered to their old moneys with that obstinacy which is nowhere more tenacious than in respect of a coinage system. After due consideration the government had finally resolved to retain this well-tried standard coin ; more difficult was the decision regarding the subdivision of the thaler, for the scientific advantages of the

neo-French decimal system already found numerous advocates in Prussian financial circles. At length, however, it was decided to divide the thaler into thirty silbergroschen, because this number corresponded with that of the days of the month, and the common people could therefore readily calculate on the basis of their monthly income how much they had to spend each day. The state had need of a thrifty population, for it too had to look at every groschen twice before spending it, and in actual fact the reckoning in silbergroschen promoted thrift throughout the community. As regards the new silbergroschen, the subdivision into twelve parts of the old gutengroschen was retained, not only on account of the convenient splitting up into halves, thirds, and quarters, but also, and chiefly, for the benefit of the poor, most of whose petty purchases were made in dreier (1½ farthings).

A momentous defect in the new tax legislation, one entirely overlooked at the time, was to be found in the prescriptions regarding municipal taxes. To the theory and practice of those days, municipal taxation was still a completely unknown field, for the costliness of the new self-government became apparent only as the years passed. Stein's town's ordinance had left the communes almost unrestricted freedom in fiscal matters ; on rare occasions only, when grave errors were committed, did the supervisory boards intervene. But now the new tax law provided in section 13 that the municipalities, with the approval of the district governments, might impose additions to the graduated poll-tax and also to the tax upon flour at the mill and to the tax upon beeves ; but other taxes than these could be levied only if they were already in existence or if they were expressly approved by the king. Thus supplements to these leading national taxes were actually prescribed as the rule. The governments never refused their assent in such cases, for they hoped that in this way the yield of the new taxes would be more effectively secured. The municipal authorities, which consisted for the most part of house-owners, accepted the suggestion with the secure instinct of class egoism. The convenient supplements saved them the trouble of any further reflection regarding a just allotment of municipal taxation, while taxation fell with disproportionate severity upon tenants and lodgers. The landowners, on the other hand, to whom the municipal institutions were most directly profitable, considered that the high national land tax already burdened them sufficiently. There thus began a dangerous perversion of the system of municipal taxation. The state, taking to itself the

greater part of the land tax, cut off the municipalities from their natural source of income, while the town councils transferred the heaviest part of the communal burdens to the shoulders of the comparatively poor, those who derived least advantage from municipal activities. Should this development continue, should the supplements gradually increase to the level of the national taxes or even beyond, the consequence might readily be that the state would be unable to effect any increase in the graduated poll-tax, its only certain resource in time of war. For the moment, however, the municipal supplements remained modest, and no one suspected how precipitous a path had been entered.

For the capital alone, since Berlin had heavy burdens in respect of billeting, the state had tapped a special source of income. Since 1815, Berlin had levied an inhabited house duty, paid by houseowners at the rate of 4 per cent. and by tenants at the rate of $8\frac{1}{4}$ per cent. Even when, seven years later, the impost on tenants was reduced to $6\frac{2}{3}$ per cent. of the rent, this distribution of taxation remained extremely unjust, but it was based nevertheless upon a bad old tradition of Berlin, and no Prussian commune would voluntarily depart from sacred custom. Fortunately the total yield was still very low, for of the 41,047 tenants in the capital, in the year 1824 more than half (20,743) paid a rent of 50 thalers or less, and there were no more than 115 dwellings for which a rent of 1,000 thalers and upwards was paid. But if the lack of adequate housing accommodation, which was already making itself painfully felt in Paris, should come to affect Berlin also, the rent tax could not fail to become a curse to the poor. Thus unsuspectingly was the foundation laid for those unfortunate defects of the Prussian system of municipal taxation which afford to-day so glaring a contrast to the mildness and justice of our national taxation.

The financial reform had been completed, and despite all its defects it was a good and sound piece of work, although the blind venerators of the Old Prussian order were as ill satisfied with it as were the doctrinaire advocates of a scientifically perfect system of taxation. This great power which had suffered more severely than any other under the bludgeonings of the war had re-established its credit with valiant determination, whilst the wealthier and better protected Austria stood for years to come upon the verge of bankruptcy. Although Prussia still remained the kingdom of extended frontiers, she had created for herself a customs system at once free and protective which was an example

to put to shame other powers with better compacted dominions. Finally, she had instituted a new system of taxation, one which availed itself of the taxable capacity of the impoverished people in every possible way without falling into the immoderate disintegration of the old excise; one which secured for the state its existence, its efficiency for defence, without interfering with the healthy development of national economic life; and one which within a few years was admitted to be tolerable even by the grumbling Saxons and Rhinelanders. All this Prussia owed in especial to the veteran chancellor, to the man so profoundly despised by the barren statesmanship of Vienna. On the edge of the grave, mocked by all the world as suffering from senile decay, Hardenberg had stood erect once again with youthful elasticity, to enter a circle of ideas remote from those in which he had grown to maturity, to choose the right men for the various tasks, Maassen, Rother, Friese, and Hoffmann, with a clear certainty of vision, and finally, now by cajolery and now by force, to overthrow all opposition and to secure a victory possible only to one of his pliability and resourcefulness. Here may certainly be found one of his most valid titles to enduring fame.

§ 2. LOCAL GOVERNMENTAL PROPOSALS.

After such successes, Hardenberg might well confidently believe that he would attain the ultimate goal of all his reforms and would complete his life-work with the summoning of the first Prussian Landtag. By the new finance laws the promise of 1815 had been formally renewed and strengthened, the national debt had been placed under the guardianship of the national assembly, and the provincial diets had been invited to co-operate in the equalisation of the land tax. It seemed that withdrawal from such solemn pledges would be impossible. Not only had the king approved the laws of his own free will, but further during the deliberations of the last few months he had almost invariably decided in accordance with the chancellor's views, and had definitely supported the minister against the royal princes. Everything seemed to be progressing favourably. In a private letter which speedily made the round of the press Hardenberg exhorted people to feel more confidence "in the slow but sure progress of the government." It was unquestionable, he declared, that the constitution would come into existence. All the more assurance

did he feel of gaining a victory over the whisperers and prophets of evil who went up and down the court, because the king had bluntly rejected the petitions of the feudal particularists, and with the exception of Klewitz (a man of little influence) no statesman of note, not even Metternich, had openly taken the field against the design for a constitution.

It was undeniable that the financial deliberations had shown once again that there were objections to the summoning of the national assembly, objections which were not mere prejudices, but some of which were well-grounded upon serious consideration. How was the secrecy essential to the safety of the Bank of Prussia and to the conduct of the affairs of the national debt to be maintained after the meeting of the assembly? Was it not, further, extremely probable that the Landtag, inspired with sentiments of petty particularism, would impose difficulties in the way of those customs negotiations with neighbour states which were indispensable to the safety of the new tax-system? The balance of consideration, however, inclined very strongly in favour of the resolute carrying out of Hardenberg's plans. The Prussian people was intimately associated with the Prussian crown, and how staggering a blow would be dealt to monarchical sentiments if for the first time in the history of the country the angry question were to be asked, whether a king's pledges could be lightly broken. Moreover, how could a great power whose national debt account was legally closed, go forward confidently to encounter the incalculable future? In quiet times its credit might perhaps be maintained; but should storms recur, then, in accordance with the most definite pledges, no further loans would be possible without the summoning of a national assembly. A dangerous attack on the part of this body upon the unity of the state was hardly to be feared any longer, for during the last five years the crown had utilised its absolute power wisely to effect reforms in almost all departments of legislation—reforms which could have been carried through by a dictatorial will alone. Army organisation was established upon a secure foundation, and the same was true of the subdivision of the provinces and of the new forms of provincial administration, also of the fiscal system, the customs system, the national debt, and of the allowance for the maintenance of the royal house. As regards the negotiations concerning the rights of the Catholic church, which Niebuhr was conducting in Rome, Hardenberg's diplomatic insight enabled him to foresee that they would soon be brought to a tolerable issue, although

the pessimistic Prussian envoy continued to fear the worst.[1] Should this task also be safely carried out, should the organisation of the communes and of the circles be completed as Hardenberg designed, by the unaided authority of the crown, and should, finally, the constitution too be granted by the king alone, then severe political struggles need hardly be anticipated during the next few years.

As far as human foresight could tell, Prussia was about to enter one of those epochs of quietude which always follow great periods of reform. Presumably her first Landtag, which would have deliberative powers merely, would lead an inconspicuous existence, and would have to be content with detecting isolated mistakes in the new laws and with suggesting remedies. It might perhaps pass through a period of peaceful instruction such as was essential for this inexperienced people, might accustom East Prussians and Rhinelanders, Markers and Westphalians, to live side by side engaged in sober work, might gradually construct a vigorous sense of the state out of the sullen particularism of the estates and the provinces, and its very existence might serve to appease the disaffected public opinion of Germany. Such were the chancellor's views regarding the immediate future of Prussia. Who can to-day say with any certainty whether the course of affairs would really have been as harmless as this, whether the abstract anarchistic ideas of neo-French liberalism might not have found their way also into the Prussian Landtag. But the balance of probabilities is greatly in favour of the accuracy of Hardenberg's forecast. What the South German states had done with tolerable success, was not impossible for Prussia ; a Prussian Landtag summoned at the right time might well have spared the crown the shame of the year 1848.

The king, too, seemed weary of the long hesitation. Having in the cabinet order of January 17th reminded the ministry of state of the need for the speedy elaboration of the communes' ordinance, on February 12th he commanded the formation of a special committee which was within a month to complete the entire first half of Hardenberg's constitutional plan, dealing with the communes and the circles, and was then to lay its work " concerning the inner connection with the general representative constitution " before the constituent committee. The new committee was entirely composed of excellent officials, Friese being president, Daniels, Eichhorn, Bernuth, and Streckfuss the other

[1] Hardenberg's Diary, December 19, 1820.

members, Köhler and Vincke subsequently joining the body.[1] But its work miscarried, and the consequences of this failure were momentous ; as soon as the foundation of the constitution proved defective, the entire edifice collapsed. Even in the eighteenth century, the reforming will of the great king had always worked cautiously in any dealings with the feudal organisation of the rural districts. In these broad levels of the state, the untamable love of the Germans for local peculiarities had ever had free play ; here was the last and strongest bulwark of feudal power ; here an antediluvian tradition was still dominant ; nor was it by mere chance that the stubborn inertia of this parochial and petty life, which had so long defied the old and absolute monarchy, proved the rock upon which the first attempts at constitutional reform were also to be wrecked.

Once again was Prussia to suffer bitterly the disastrous consequences of Stein's premature overthrow. When the great reformer fell, he left behind him, almost completed, the draft proposal for a rural communes' ordinance. If this scheme had then become operative, a reform which nothing but Stein's iron will could have carried out with success, the communal life of the older provinces would by now have been in tolerable order, and there would have been a firm basis for further legislative reforms. But, as things were, the committee was faced with a hopeless and incalculable multiplicity of peculiar local rights and customs, with a situation which was, in a word, chaotic. In the eastern provinces there were about 25,000 rural communes and 15,000 manorial districts. Among this colossal number there were indeed many populous and semi-urban regions, such as Langenbielau and the other industrial villages which stretched for miles along the valleys of the Riesengebirge ; but the great majority of the rural communes of the north-east had hardly advanced beyond the simple conditions of the early days of German colonisation. The little village of settlers clustering around the baronial castle still constituted the rule ; communes containing no more than a hundred and even no more than fifty inhabitants were by no means rare ; a hamlet with four hundred inhabitants was accounted here a large village. This state of affairs had sufficed for the needs of the countryfolk as long as the rural commune was pursuing the economic aim of communal agriculture, and as long as the church provided, however scantily, for education

[1] Cabinet Order of February 12, 1820.

and for poor relief. But after the Reformation, when the schools and the system of poor relief had been secularised, and when the rural commune had been gradually transformed from an economic co-operative organisation into a political community, the dwarfed communal structures of the north-east proved utterly helpless. With the exiguous means at their disposal, how was it possible for them to construct roads, to maintain schools, to undertake all the other functions on behalf of the common weal which the state, as it gained strength, now came to demand of them ? In Old Prussia and in Poland, above all, where the average population of the villages was barely two hundred, there was hardly any trace as yet of communal organisation of the modern type.

The great landowner, it is true, who here in the east still almost everywhere possessed patrimonial jurisdiction, the rights of low justice, and ecclesiastical patronage, gave certain help in these respects ; in his own manor he himself was the local authority and appointed the headman of the village. This patriarchal relationship, which in the civil code was still regarded as the normal village organisation, had nevertheless begun to vanish since the introduction of the new agrarian legislation. The abolition of the burdens and services heretofore imposed upon the peasants, had rendered the village economically independent of the lord of the manor. The ownership of land was now no more than a form of private property, this ownership imposing the duty of bearing the greater part of the communal burdens in a free neighbour commune, and carrying with it the rights of local suzerainty. How often since the year 1808 had the king declared that these vestiges of the feudal order must be abolished as speedily as possible. Not only did the combination of suzerain rights with the ownership of the soil conflict with the elementary principles of modern equality before the law, but, further, the landowners could no longer exercise their judicial duties adequately now that factories were being established in the rural districts and now that freedom of domicile brought many homeless people into the villages ; without the help of the national gendarmerie, the local suzerains would have been unable even to cope with vagabondage. Whilst the increasing freedom of movement made continually more extensive demands upon the activities of the rural police, the landowner was entirely immersed in his own economic cares. Whoever wished to maintain himself upon his indebted and impoverished family lands, must work hard and must acquire a thorough knowledge of the new methods of national

agriculture. The old saying that in the country anyone can get along with a trifle of good luck and good sense, had long ceased to be valid. The care of a manorial estate demanded a man's full energies, especially now that, thanks to the new spirit tax, distilling, skilfully practised, brought large profits, and many a man of noble birth who arrogantly despised the commercialism of the towns, had himself, without being aware of it, become a busy manufacturer. How had such men time or energy to spare for the duties of local suzerainty ?

How rarely, moreover, did the peasant now display towards the landowner that cordial confidence which alone could make the powers of local suzerainty tolerable ! Even at an earlier date, amid the perpetually recurrent distresses of war, the impoverished nobles of the north-east had seldom maintained themselves long in possession of their estates, and it was regarded as remarkable that some of the old races, such as the Bredows of Havelland and the Brandts of Lindau in Electoral Saxon Brandtswinkel, had maintained themselves for centuries upon their tribal lands. Of late years, since the alienation of manors had become legally possible, change of ownership had been still commoner, and the superiority of bourgeois capital was soon perceptible in the rural districts as well. First of all, the farmers of the domains, and subsequently other bourgeois, established themselves in the old manorial seats ; in East Prussia, the majority of the great estates were by this time in bourgeois hands, and in certain regions professional land speculation had already begun. In many instances, the new owner remained utterly estranged from his peasants, and if he happened to be a hard-hearted man he would endeavour by all possible means to rid himself of the local poor, and would even buy out those of his smaller neighbours who might possibly become burdensome to him.

Nevertheless these distorted conditions were by no means disagreeable to the people. The peasant clung tenaciously to tradition, and found it convenient to have law court and police so close to his own door. He indifferently overlooked many grave defects in manorial administration now that the landowner could no longer demand anything of him, but had simply to bear burdens on his behalf. Even as late as the forties, the peasants of the Brandenburg provincial diet expressed their heartfelt gratitude to the king because he had left their ancient communal constitution undisturbed. The noble, on the other hand, regarded the ownership of land as a precious and honourable right of his order,

and this view was not the mere outcome of junker arrogance. The landowners were justified in boasting that it was in virtue of daily and severe sacrifices that they reacquired their position of power in the rural districts. Many of them felt a genuine impulse towards freer activity on behalf of the common weal, for this impulse is ever present in the aristocracy of a healthy nation. In the year 1809, the estates of the Mohrung circle, led by Counts Dohna and Dönhoff, angrily protested against the proposed abolition of manorial police powers, on the ground that it was unworthy to suggest that the landowner should henceforward lead an otiose life upon his income. If the legislator understood how to direct this honourable sentiment towards a desirable end, if he would resolutely abolish the privileges of the landed noble, offering in exchange a new and fruitful sphere of activity upon the foundation of the common law, it might well ensue that the prejudiced junkerdom of the north-east would still become a firm prop of rural self-government.

How different was it in the rural communes of the western provinces. Here the legislation of France and her vassal states had abolished all legal distinction between town and country, between manorial land and peasant land. Along the Rhine, the great estates had almost all been broken up. In Westphalia, indeed, there still existed a few manors, but they were communes just like the others, the only difference being that the office of local authority accrued to the landowner, but he exercised no seigneurial right over the neighbouring villages. The levelling of all social inequalities corresponded to the economic conditions of these thickly populated regions, where urban industry had long before made its way into the villages. The abstract idea of French municipalism had here penetrated far among the people; when a West German wrote of German communal organisation, as did Pagenstecher of Nassau in 1818, he invariably referred simply to the "commune" without recognising any difference between the village and the town.

The rural communes of the west had come into existence out of the powerful Teutonic co-operative associations of the march. To start with they were larger than the settlers' villages of the east, having an average population of from five to seven hundred, and having been compacted under the foreign regime to form larger joint communes. When Rudler and his associates were establishing the French administration on the left bank of the Rhine, they were unable to shark up a sufficient number of mayors

who spoke French, and for this reason in many cases several communes were arbitrarily combined under a single burgomaster. This procedure, which was contrary to law, and only secured approval of the consuls after the event, was subsequently continued by the imperial prefects for the sole reason that the bureaucracy could get on so much more easily with a small number of burgomasters. In Berg, too, since 1808, there had come into existence joint communes similar to the *Amtsverbänden* of the good old time. Thus it happened that the innumerable insignificant communes of the east had as their counterpart in the western provinces no more than five and a half thousand rural communes, compacted to form about one thousand burgomasterships and bailiwicks. The Rhenish burgomaster and his subordinates were appointed by the state, and governed in accordance with the leading principle of Napoleonic administrative law, in virtue of which administrative functions were vested exclusively in the state official, the ruled having merely the right to tender deferential advice. The bureaucratic power of such officials was often more stringent than the patriarchal regime of the Pomeranian landowners.

Nevertheless this non-German institution had speedily taken firm root in the Rhenish region. It seemed just as convenient to the new Prussian Landrats as it had before to the sub-prefects. Moreover, the burgomaster appointed from above was less accessible than an elected headman to the suggestions of the clergy, and was less influenced by the caprices of public opinion. It is thus readily comprehensible that, with three exceptions, the governments of the western provinces were all in favour of the continuance of burgomasterships. The populace, also, esteemed its communal constitution highly, simply because it was Rhenish. "We want to stay as we are," was the cry whenever it was reported that "the Prussian" contemplated any change. The Rhenish countryman, devoted to horticulture and to the hazards of viticulture, was well satisfied that the strict burgomaster should relieve him of all trouble and anxiety about communal concerns; besides, great burgomasterships could do far more for the general welfare than had been possible to the dwarf communes of the old provinces. This practical advantage was so undeniable, and public opinion was so determined, that even Stein and Vincke, declared enemies of the French legislative system, were unwilling to interfere with the burgomasterships and bailiwicks.

Contrasts no less glaring existed in the urban system. In the old provinces, Stein's towns' ordinance, after it had successfully passed through the severe trials of the War of Liberation, had gradually become endeared to the burghers, and Stein hoped to see his well-tested work applied with trifling alterations, and speedily, in the new provinces as well, for he considered self-government the best school for the development of a Prussian sense of the state. But the Rhinelanders could not be induced to believe that the towns' organisation of the despised east was much freer than their own. They were satisfied with the formal equality of the French municipalities. "With us," they said proudly, "all classes of the community share a common citizenship." The burgomaster and his subordinates appointed by authority were according to the Rhenish view just as superior to the German town councillors of the east as was the Napoleonic prefect to the Prussian governmental colleges. The Rhenish burgher was delighted to be spared the numerous and burdensome honorary offices of Stein's towns' ordinance, and no one noticed that a communal council without administrative powers was unable to exercise any effective control over the all-powerful burgomaster Elected local authorities were considered undesirable, if only for the reason that people dreaded a return of the cliquism and the nepotist regime of Cologne. The profound conception of the state and its duties which underlay Stein's towns' ordinance was altogether incomprehensible here in the west, where all were enthusiasts for the ideas of '89. As late as 1845, L. Buhl, in a writing upon the communal organisation of Rhenish Prussia, maintained that the example of "France, the archetypal land" sufficed to show that freedom of the state and freedom of the commune were mutually exclusive, and that, faced with these alternatives, liberal Rhineland must prefer freedom of the state. The good publicist, one of the ablest liberals of the Rhenish Palatinate, here expressed the heartfelt sentiments of almost all the inhabitants of the left bank of the Rhine. People animated with such views, and at the same time proud of their liberal spirit, were manifestly even harder to win over to the severe duties of German self-government than had formerly been the browbeaten petty bourgeoisie of the eastern towns.

In the circle organisation, the contrast between east and west was likewise manifest on all hands. The old-established Brandenburg circle-subdivision and the Landrat official districts were incorporated in the new domain simultaneously with the provinces

and the governmental districts, and in the year 1816 the king once more permitted the circle estates to nominate from the landowners of the circle three candidates for every vacant post of Landrat. According to the letter of the law, the Landrat henceforward was only a state official, and Hardenberg expressly declared that though the Landrat was appointed from among the residents in the circle, this institution was "nowise based upon the idea of representative institutions, but only upon the idea that local landownership afforded guarantees that the Landrat would know and further whatever was for the advantage of the residents in the circle." [1] In actual fact, however, the Landrat remained in the east, as of old, at once the instrument of the government and the trusted representative of his circle. The peculiar duplex position which gave its distinctive character to the principal office in the old provinces could not, unfortunately, be transferred straightway to the western regions of the country. Here the number of educated landowners was so small, that it became necessary to appoint "other fit persons," and especially military officers, at the head of the circle administration. It was impossible that such official-Landrats could be anything very different from successors of the Napoleonic sub-prefects. A few of them, indeed, gradually became at home in their new surroundings; as for instance Bärsch, the associate of Schill, who ruled strictly in the poor Eifel circle of Prüm, and whose writings concerning agriculture in Eifel soon showed that he was better informed about this rude mountain land than were those who had been born in the region. Many of the Landrats, however, remained estranged from their circles, regarding the office they held as a mere stepping-stone to higher positions. Here, as in France, the radical destruction of all aristocratic forces led to a purely bureaucratic administration. After the king had suspended the unhappy gendarmerie edict, nothing had been settled about the circle assemblies; but everyone felt that the constitution which the circle estates had been given in the aristocratic old provinces was not suitable for the bourgeois west.

How little did the king and the chancellor know about these complicated relationships when they expected the draft of the communes' ordinance to be completed within a month. Six months elapsed before the committee had found it possible to

[1] Such was Rother's answer, acting on the chancellor's instructions, in reply to an enquiry from Governor Wissmann, dated November 28, 1815.

deal with the extensive problem inadequately and hastily, and on August 7th the plan for the organisation of the circles, towns, and rural communes was submitted.[1] Most of the work was drafted by Friese, the president of the committee; many of his proposals of 1811 were reproduced almost verbatim in the new scheme. At the earlier date, he had expressed his opposition to the suzerainty of the local landowners. A liberal through and through, he recognised in the crass contrasts of class one of the principal reasons for the disaster of 1806, and he considered that an indispensable precondition of a free communal life must be the abolition of all the economic and political privileges of the landed gentry.

Meanwhile the council of state had in fact vigorously carried forward the agrarian legislation of 1811. On September 25, 1820, appeared an edict, some of whose items were almost too revolutionary, decreeing the abolition of burdens upon the peasantry in the regions between the Elbe and the Rhine. On June 7, 1821, after lengthy and laborious deliberations,[2] there followed the far-reaching law dealing with the partition of the communal lands, the last great reform of the Hardenberg epoch. Since Frederick the Great had begun the partition of the communal lands, more than two and a half million *morgen* [approximately, acres] had been dealt with. Now the partition was carried on more extensively, and was placed under the supervision of the general committees which since 1811 had been concerned with the relief of the burdens on the peasants. The new legislation started from the bold proposition that, in default of proof to the contrary, every partition of communal land must be regarded as desirable for agriculture; on the other hand, complete guarantees were afforded for a strictly legal procedure, for the general committees contained assessors of gentle birth, and were furnished with judicial powers. This was a daring coup, but it was rendered indispensable by the needs of agriculture, and gradually almost all the German states followed Prussia's example, Würtemberg at length following suit in the year 1854. Here again it was plain how greatly the economic culture of the officialdom was in advance of that of the nation.

Discontent was rife. Not merely did Marwitz and his friends storm against the pedants of the general committees;

[1] Proposals for the organisation of the rural communes, towns, and circles, with elucidations; covering letter of August 7, 1820. See Appendix XIII.

[2] Minutes of the council of state, May 22, 1821.

not merely did they accuse the state of leading the people astray, when, perchance, some cunning peasant who was assigned a plot of land far away from the village took advantage of the new system of fire insurance and burned down his house. The peasants themselves, who in former days had so often complained "many herdsmen, bad herding!" frequently opposed the partition of the communal meadows, and mistrustful and cantankerous, rendered the work of the authorities difficult. The state went on with its work undisturbed, and by 1848 nearly 43,000,000 *morgen* of communal lands had further been subdivided or freed from the obligations of villeinage. Almost everywhere as soon as the work was completed the peasants were ashamed of the resistance they had offered, and the general committees, at first detested, gradually acquired widespread respect. The country-folk began to recognise that the partition of the communal lands was an indispensable link in the long chain of reforms which were to raise the serfs to the level of free peasants. The communal corvée disappeared with the partition of the communal territory. It now became possible to cover the village lands with a reasonably arranged network of roads and irrigation channels, though the straight lines of these were often injurious to the beauty of the landscape. The peasant was able to abandon the traditional threefold rotation of crops, and to attempt the more intensive culture of his well-rounded land. He was now completely master of his own property, and with industry and good fortune could count on increasing prosperity. Should ill luck befall him, he had indeed to experience all the hardships of the system of free competition; there were no longer any communal savings to which he could turn for assistance, and since the agricultural credit institute would come to the assistance of the great landowners alone, the peasant ran the danger of being bought out by neighbouring landlords. Partition of the communal lands cut off one source of eternal quarrels between the landlords and the peasantry; and, further, most of the disputes about boundaries which litigious peasants had freely engaged in were done away with by the compacting of the peasant farms. The partition had an effect upon the communal life of the country districts similar to that which the abolition of guild privileges and prohibitions had had in the towns. The village could now become in reality a political community.

The proposals of the committee had been based upon the expectation of this great transformation in rural conditions. It

had taken very seriously the fundamental proposition of Hardenberg's plan for a constitution, "we have nothing but free proprietorship." Nor could the reform have been carried into effect without an ardent zeal for the common good. But respect for the historic past, for the endless complexity of communal life, was also indispensable, and the liberal officialdom from which the committee was chiefly constituted, was largely lacking in such understanding. Friese, in especial, was inclined to push to an extreme the reasonable idea of the unity of the state; nine years earlier, he had actually suggested the abolition of the provinces on the ground that the provincial spirit killed the sense of the state. At the opening of the discussion, the urgent question was mooted whether a communes' ordinance for the entire state, such as Hardenberg desired to institute, was at all possible. Vincke declared on the ground of his knowledge of land and people that the west could not dispense with its burgomasterships and bailiwicks.[1] There was a sharp conflict between historical sentiment and bureaucratic rule-of-thumb methods. The majority, however, found a way through all difficulties with the aid of the doctrinaire assertion (by no means theoretically sound) that the commune was the microcosm of the state and must therefore be organised on identical lines with the state. No less doctrinaire was the further contention that the difference of culture between the various provinces was not particularly extensive, as if communal organisation were determined by culture and not by economic relationships. The majority therefore decided to elaborate a single rural communes' ordinance for the entire state, although it was necessary to admit that this general law was incomplete, and needed supplementation by provincial laws. Through this serious error, the foundations of Hardenberg's plan for a constitution were fatally destroyed, and not merely the caste spirit of the privileged classes, but also the reasonable particularism of the provinces, were incited to embittered quarrels.

In matters of detail the proposals contained many excellent ideas, such as these competent officials might be expected to adduce. The contrast between town and country which was so marked a characteristic of German life was accepted by the committee as an established fact. The desire was to deal with all that concerned the peasant, conveniently, in a single law; and the

[1] Vincke, Separate Opinion on the rural communes' ordinance (Appendix to the proposals).

proposal to force village and town, after the French manner, into a single framework was rejected, although many of the governments of the western provinces strongly favoured this idea. The draft of the rural communes' ordinance assumed that the continuance of the extant individual communes would be the rule, but left it open for adjoining petty districts to combine by mutual agreement to form larger communes; and the naive expectation was expressed that this course would frequently be adopted as soon as "the general representation of the state" should have awakened the spirit of community. Thus the thick ice of peasant particularism was to thaw before the spring breath of constitutional life! The Rhenish burgomasterships were to be abolished, but the governments were empowered to constitute joint communes to deal with special purposes such as road-building, education, poor relief, and the like, and the burgomasterships could likewise be utilised for these aims. In every commune, a headman and assessors were to be elected, these appointments being subject to confirmation by the Landrat; and there was to be a communal assembly, consisting in smaller districts of all the burghers, and in larger districts of representatives. The right of communal burghership was widely extended, so that as a rule every independent head of a family who was neither a farm-hand nor a casual labourer was to be enrolled.

The proposals regarding the rights associated with land-ownership were more guarded. The committee did not venture to demand the simple abolition of the police powers of the landed gentry, and in any case it had no concern with the question of patrimonial jurisdiction; moreover, its members recognised that since the village community had so recently been subject to the landowner, it was not permissible without further ado to constrain the landowner to enter the community. On the other hand, the re-establishment of the suzerainty of the landed gentry was impossible in the western provinces, and the appointment of headmen by the landowners would now be a manifest injustice, for while the settlement of affairs was still incomplete the interests of the village and those of the lord of the manor were often conflicting. For these reasons, a middle course was adopted. For the present the landowner was to retain what was still left to him in the way of jurisdiction and police powers, but in police matters the Landrat was empowered to issue orders directly to the village headman. The lord of the manor was also privileged to veto appointments as headman, and for the maintenance of

his rights he could demand a reference to the communal register ; finally, if his land had not previously constituted part of the village territories, he could claim that it should be set apart as a special administrative area under his personal control. The declared aim of these proposals was "to facilitate in the future the complete union" of the villages and the manors. But how profoundly were the men of the boardroom deceived regarding the sentiments of the landed gentry, when the committee could thus hope that before long the landowners would come to regard their police powers "as an unprofitable burden."

The proposals of the committee in the matter of the town's ordinance were less far-reaching. Here all that was requisite was to remedy certain defects in Stein's law, defects which experience had brought to light and whose existence was not denied even by Stein himself. Everyone agreed that the towns' ordinance regulated with excessive uniformity the fundamentally diverse relationships of the various urban communes, and for this reason the committee demanded that, subject to the approval of the state, every town should have the right to draw up local by-laws. Further, since the introduction of freedom of occupation, the right of burghership had completely lost economic significance ; all were now free to ply any craft they pleased, and all might acquire urban land. Henceforward the right to participate in local government was the only important privilege of burghership. Consequently the committee demanded that in future the so-called notables, the state employees, the clergy, and the men of learning, who had hitherto for the most part ranked as denizens merely, should be given facilities for the acquirement of the full rights of citizenship ; they would hear nothing of the high property qualification, the introduction of which was demanded by the ultra-conservatives.

Another grievance of the conservatives was that in their view state-supervision was defective. "Our towns have become petty republics," was the phrase current in the camp of the feudalists. The state did in actual fact leave the great municipalities free to act as they pleased, and even permitted the town councils to infringe the law grossly ; in one case twenty years elapsed without any fresh writs being issued for elections to the municipal council. In this matter likewise the majority in the committee remained impervious to the desires of the conservatives. In the deliberations concerning the towns' ordinance, Privy Councillor Streckfuss usually spoke the decisive word.

Streckfuss, a Saxon by birth, was a distinguished official who had learned to despise the secrecy and nepotism which had brought the towns' system of his homeland to ruin and decay; he considered the energetic bourgeois life of Prussian towns to be ideal. How proud was he of this "Prussian freedom"; "very strange," on the other hand, seemed to him French liberty, which permitted the nation to dismiss ministers, while denying all co-operation in the more intimate affairs of civic life. He was an ardent advocate of Stein's towns' ordinance, and eight years later waged a lively paper war against F. von Raumer. Upon his advice, the committee determined to impose a strict limit to state supervision; for, they thought, it would be better by far that the communes should commit a few errors than that the government should exercise a hateful despotism; the communal administration was not, however, to be allowed to interfere with the agrarian law or with the fundamental ideas of the new system of taxation. It was left to a subsequent generation to discover that these general propositions were not sufficient to delimit the boundaries between the state and the commune. The right of the commune to impose taxes needed precise legal adjustment, for otherwise, in the long run, the state would be unable to keep its own system of taxation secure and elastic. Such considerations were, however, quite outside the circle of vision of the time.

Debates became very vehement when an omission in the towns' ordinance which had long been a source of grievance came up for discussion. In his law, Stein had not specified in what way disputes arising between municipal authorities and town councillors were to be settled; he now keenly desired that such cases should be referred to umpires for arbitration. Streckfuss, however, considered the town councillor to be merely the servant of the burghers, and recognised the danger that a new communal bureaucracy might be created from among the paid officials of the municipal authorities. In these circles, declared the high officials of the committee with unwonted innocence, may very readily arise "the official spirit, which but too frequently misleads, in part inducing utter inertia, and in part causing a sacrifice of substance to form, of reality to officialdom." It was therefore proposed that the municipal authorities should merely carry out the decisions of the town councillors, and only in cases of loans, sales of communal lands, or any extra-legal exactions, might the authorities refuse to obey such decisions. The proposal overshot the mark, and it was vain for Privy Councillor Köhler to utter

the warning that the democratisation of the communes would filch from the municipal authorities any power they might possess.[1] Such revolutionary views certainly lay far from the thoughts of the majority; these were of opinion that the short tenure of office in municipal posts discouraged many of the finer spirits from participating in communal administration, and subjected the town officials too much to popular favour. They therefore suggested that salaried councillors should retain their posts for life.

Among all the clauses of the towns' ordinance there was none more passionately attacked than the classification of the towns as local districts. The fashionable preference for the traditional German classes and corporations led people to see nothing more in this prescription than mechanical arbitrariness. In 1819, Ancillon, in his memorial on the constitution, had severely censured the towns' ordinance for "throwing all burghers without distinction into a single category." But Humboldt, J. G. Hoffmann, and even the liberals Dahlmann and F. von Raumer desired that the old industrial co-operative corporations should be reanimated in freer forms, and that the urban suffrage should be granted to these corporations as such. Niebuhr's doctrine, "without unions and corporations, urban elections and burghers' assemblies cannot thrive," harmonised with the average views of this romanticist epoch. Stein himself sometimes inclined towards Niebuhr's opinion, but his statesmanlike instinct showed him all the difficulties in the way of its being carried into effect. The committee, however, maintained the local urban districts of Stein's law, for its members recognised that communal organisation should unite burghers as burghers, and should not separate them as distinct kinds of craftsmen. In fact, the towns' ordinance had established itself most effectually in the large towns where neighbourhood is of such little significance; and subsequently every attempt to base communal organisation upon industrial corporations invariably failed owing to the extraordinary complexity of modern urban industrial life.

All these proposals displayed a lively understanding of German self-government. In striking contrast was the bureaucratic spirit of the draft for the circles' ordinance, which was strongly reminiscent of the unhappy gendarmerie edict. When after the year 1807 the reform of the circles' organisation first came up

[1] **Köhler,** Separate Opinion on the Towns' Ordinance.

for consideration, Stein, Vincke, Schrötter, and Friese were agreed in considering that the inhabitants of the circle must be themselves concerned in the administration of that area. They all desired that the circles should be divided into smaller districts, for an area containing on the average 35,000 inhabitants was manifestly too large for effective action on the part of officials whose authority was based upon local self-government, and in these districts a part of the administrative business was to be handed over to indwellers of the circle. This fruitful idea, the only one which could lead to further progress, was now unfortunately abandoned. How marvellously enduring is the efficacy of genius. Stein's vigorous will had so ineradicably imposed upon the towns' system the principle "self-government involves spontaneous initiative," that none of his successors could here effect any notable alteration. But the circle organisation, which he had not himself been able to reform, remained for half a century the sport of mutable legislative attempts; in this domain nothing was fixed, not even the leading principles.

By the gendarmerie edict, Hardenberg had endeavoured to destroy almost entirely the self-government of the circles. Now that this erroneous measure had been rescinded, Friese and his committee contented themselves with recommending the constitution of circle assemblies which should deliberate concerning the affairs of the circles, point out errors and defects, assess the land taxes, and deal with institutions for the common weal, but which should definitely be withheld from all intervention in the circle administration. Such a Kreistag (circle assembly), lacking independent initiative, was well-nigh as powerless in face of the sole effective authority of the Landrat as was the French departmental council vis-à-vis the prefect. Moreover, quite after the French manner, the Landrat was henceforward to be purely a state official. Hitherto, continued the committee, Prussia had known nothing of "genuine popular representatives," and had therefore given the Landrats some of the rights accruing to popular representation. Now, however, since, by the constitution, the government was "giving away a portion of the general authority it has hitherto exercised," it was necessary that, in accordance with the example of all other constitutional states, the government alone should appoint its officials. Consequently the Landrat was no longer to preside in the Kreistag, but was simply to attend the proceedings without any vote in that body. The sharp distinction between action and deliberation which was the

fundamental principle of Napoleonic administrative organisation, was, with all its consequences, to be taken over into Prussia. The whole power was to be placed in the hands of the Landrat, and the circle assembly was to be a mere deliberate body.

Thus the living reality of self-government was abandoned, and what did it avail that the composition of these powerless Kreistags should correspond to all the desires of liberalism? Apart from territorial suzerainty, the nobles of the east esteemed none of their class privileges so highly as those they possessed as circle estates. Reluctantly enough had they witnessed the admission of men of bourgeois origin to the status of the landed gentry; they would never willingly abandon their integral votes at the Kreistags—herein all landowners were agreed, in the old provinces, in Saxony, and in Hither Pomerania. The committee now struck a bold blow against this old-established right of the landed gentry. Their integral votes were to be abolished, and the great landlords were to retain merely the right of electing one-third of the circle representatives. The remaining two-thirds were to be elected by all the communes of the circle, proportionally to population. In addition to the landowners and to the governmental or the communal officials, all residents in the circle with an income of 500 thalers and upwards were to be eligible for election, and since the electors' choice was not restricted to men of their own order, the "peasants' advocates" especially detested by the nobles might readily find their way into the Kreistag. The proposal was as rash as it was crude; for if at a single blow the landed gentry, who had hitherto completely dominated the Kreistags, were to be placed in the minority on these bodies, prudence and justice alike demanded that the possibility be preserved for the great landowners to maintain their well-justified influence in the rural districts by the tenure of the honorary offices of the circle administration. But the liberal bureaucracy lacked all understanding of the vital conditions of rural self-government, which is everywhere aristocratic. And was it permissible, by a simple legislative decree, to extinguish the contrast between town and country, which still unmistakably persisted in the majority of the circles?

How arbitrarily mechanical was the endeavour to enforce everywhere upon the great landlords the same third of the votes, notwithstanding the enormous differences in social conditions. To carry out these artificial ideas on paper merely the committee had to reckon as great landowners all those who

paid land tax to the amount of not less than 100 thalers, for unless the level had been fixed as low as this, in many circles of the western provinces there would have been found no great landowners at all. The disastrous proposal afforded incontrovertible proof that a uniform circles' organisation for the east and the west was just as impossible as was a uniform rural communes' organisation for the entire state domain. At the close of its labours, the committee frankly expressed the fear that the people might perhaps believe that "herewith the whole proposal for a representative system falls to the ground, that your majesty's pledge has been rescinded, and that there is no longer any question of establishing a constitution for the monarchy." To dispel such doubts, a closing article was appended wherein the king declared that the relationships of the Kreistags to the future estates of the monarchy would be more precisely defined "in the constitutional charter."

§ 3. REACTION AT THE COURT. THE CROWN PRINCE.

The work of the committee had miscarried. This body had not succeeded in creating a finished and harmonious structure, which might serve as a firm foundation for Prussia's constitution. The two most important parts of the scheme, the rural communes' ordinance and the circles' ordinance, were based upon erroneous fundamental ideas, while the less notable proposals for the reform of the towns' ordinance were also open to objection, although to a minor degree. In view of the powerful enemies who were attacking the whole design for a constitution, it was difficult now to atone for past errors. Stein, in his ill-humour, was convinced that Hardenberg's subordinates were not competent to produce anything better than "a work of buralism and liberalism." As early as February, when the committee had hardly begun its work, another committee, that of the East Prussian estates, under the leadership of the Alexander Dohna, forwarded an address to the king vehemently attacking the Carlsbad decrees, but also demanding that in the reform of the communes' system "every existing institution at once historically noble and deeply rooted in the popular life should be treated with extreme tenderness," and asking that "native-born residents" of the provinces should be summoned to take part in the constitutent deliberations. This onslaught was repulsed by Hardenberg in a sharp reprimand,

for unquestionably the committee was acting *ultra vires*.[1] But now that the proposals were presented in their entirety, a general storm arose at the court, among the nobility, and even in the ministry itself. One of the members of the council of state said to Varnhagen that the law was "a fire-brand to start the revolution." The abolition of the right of the landed gentry to integral votes in the circle diets, the curtailment of manorial rights, the vigorous attacks upon the distinctive vital characteristics of the provinces, the repeated use of the forbidden term "popular representative"—these things, taken in conjunction with the undeniable defects of the draft proposals, afforded all too abundant occasion for passionate complaints. The principal objections of the ultra-conservative party were subsequently formulated in two propositions. First of all, it was said, "the proposals shuffle all classes of the inhabitants indiscriminately together, and can therefore constitute the basis of a general popular representation only, and not of a representation of estates"; further, "they wish to endow the communes with legislative authority and to make them constitutional assemblies."[2]

At this critical juncture, Benzenberg, the chancellor's loyal admirer, played his patron a trick more harmful than any that could have been designed by Hardenberg's worst enemy. In Brockhaus's *Zeitgenossen* he published an anonymous writing discussing the chancellor's administration, a brilliant panegyric which demonstrated with substantial accuracy that throughout all turns of policy Hardenberg's ultimate aim had ever been the constitution. "A new communes' ordinance," wrote Benzenberg in sanguine mood, "has practically been completed; the foundations of the constitution are already showing above the ground." He sagaciously predicted the peaceful social transformation which could not fail to follow upon Hardenberg's laws; by the year 1850 a free estate of peasants would exist throughout Prussia, and the population would have increased to 16,000,000. The warm-hearted publicist, who had so often been misunderstood by the great mass of liberals, was by no means intending on this occasion to patter the current liberal creed; rather it was his aim to warn "unreflective liberals" against ill-timed zeal which might disturb the profoundly conceived plans of the old and experienced Fabius Cunctator. "Since some of the constitutionalists are

[1] See the Documents in Schön's Papers, vi, pp. 624, et seq.

[2] Minute edited by Schuckmann, "Reasons why the Proposals for the Communes' Ordinance should not be carried into effect" (May, 1821).

in fact rather thick-headed," he wrote in a private letter, "it seems well that some one should explain to them how much this septuagenarian has done for king and commonwealth." [1] For this reason he was sharply taken to task even by the liberal press, and Grävell replied in an *Anti-B-z-b-g*, saying that not every temporiser was a Fabius, and pointing out that in the enlightened kingdom of Westphalia the work of fiscal reform had been completed with incomparably greater celerity. The very publisher of *Zeitgenossen*, Brockhaus himself, also published the *Anti-B-z-b-g*, and subsequently severed his friendship with Hardenberg's admirer on the ground that the latter was suspect of conservatism, and because "my periodicals are consecrated to liberalism and its dissemination." Nevertheless Benzenberg had not been able to refrain from applying to his patron some of the half-true catchwords of the day. He spoke of the towns' ordinance and the agrarian laws as "democratic." He described the chancellor as "a definite liberal," one who had "realised in Prussia the principles of '89," and whose recent yielding to the current of reaction had been no more than apparent. He even contended, in flat contradiction to Hardenberg's own opinion, that the representation of the people promised on May 22nd was of necessity something altogether different from a representation of estates. In history, he prophesied, the king's regime will be spoken of as "the bourgeois regime"; for the sake of her constitution Prussia must not even shun war with Austria, a war which will secure for Prussia the hegemony of Germany!

This ill-conceived eulogium was hailed with delight by the enemies of the constitution. New material was now provided to nourish the profound hostility felt by the Brandenburg nobles towards the chancellor, a hostility still traditional in these circles. It was now proved that Hardenberg allowed himself to be extolled as a Jacobin, and that he purposed to establish a democratic representative system, and not a representation of estates. The chancellor could not but feel that his admirer had opened the door to attack. He immediately sent a signed letter to the papers, repudiating all responsibility for the writing, and declaring that he did not know its author; and he commissioned Scharnweber to elaborate a rejoinder, which proved, however, so unsatisfactory that it was quietly interred unpublished among the archives.[2]

[1] Benzenberg to Count Solms-Laubach, August 10, 1820.

[2] Hardenberg's Diary, November 1, 1820. Scharnweber's manuscript is still extant in the Prussian archives.

No one believed his assurances ; in his good nature he could not even make up his mind to break off his customary correspondence with his admirer.

A writing against Benzenberg entitled *A Dot upon the I* was published by E. von Bülow-Cummerow, a Mecklenburger who had settled in Pomerania, a man of keen practical understanding who did not in truth belong to any party, but who zealously advocated agrarian interests, and was therefore soon considered by the liberals to be tainted with junkerdom, whilst the members of his own class regarded him with suspicion as a man of restive intelligence He was by no means an unconditional opponent of the chancellor, and approved part at least of the new legislative reforms. Now, however, he considered that the legitimate powers of the landowning class were endangered. He protested against a bureaucratic policy which would deprive the landed gentry of their majority in the circle diets, and declared, in conclusion, that Benzenberg's essay proved how far advanced already was the Prussian revolution, progressing with the assistance of the administration itself.

All these enemies could have been overcome if the king had firmly supported the chancellor. Frederick William had often been anxious regarding the consequences of the over-hasty promise of a constitution. Yet ultimately he had always reconciled himself to Hardenberg's policy, and indeed had quite recently solemnly renewed the old pledge and had strengthened it by fresh promises. The failure to carry out these would seriously impair the national credit. The chancellor felt quite secure of his position ; and as late as the end of August, when the rumour became current that the government was going to content itself with the institution of provincial diets, he had a strongly worded contradiction published in the *Staatszeitung*, declaring the report an ill-natured fiction. But almost at this precise moment the king received the unhappy proposals of the committee on the communes' ordinance. He recognised immediately that the Prussian constitution could not possibly be established upon so precarious a foundation, and from this hour he began once more to turn away from Hardenberg. The severance was final.

He was profoundly annoyed by Benzenberg's writing. He perused it with great care, jotting unfavourable comments in the margin, which were subsequently reported to the chancellor

by Wittgenstein.[1] The closer the approach of the oppressive nightmare-image of a national assembly, the more vehemently did his whole nature revolt ; to the retiring Frederick William, auspicious speeches from the throne and grateful addresses from the chambers, such as filled the cheerful Max Joseph of Bavaria with delight, were utterly distasteful. His suspicions of the demagogues had not yet been allayed. Whilst assuring Count Gröben, who had been exposed to unjust suspicion as an acquaintance of Görres, of his unfailing regard, the king could not refrain from remarking, " not even your earlier association with a man of untrustworthy sentiments can serve to diminish my confidence in you."[2] When General Stockhorn, the Badenese envoy, referred to the beneficial influence of the Carlsbad decrees, the king rejoined : " What you say is doubtless true, but this is not the end of the matter. The evil is deep rooted, and the youth of the country has already been profoundly infected by erroneous teaching. In many states, not excepting Prussia, state servants of all classes and even ministers have been infected thereby ; but now I mean to take the affair seriously in hand." [3] With each post there now arrived bad news of the progress of the revolution in Spain and Italy, and everywhere the magic word " constitution " had led the military forces to break their oath to the flag ; was such an abomination to become possible under the black-and-white banner ? Since he lacked an intimate knowledge of the sins of the Bourbon regime which furnished a ready explanation of all the follies of the revolution, the king could see in this wild movement of a despairing people nothing but a depraved revolt against established authority, and he considered it perfectly right that Austria should restore order in Italy. Negotiations were already in progress for a new meeting of the monarchs in Troppau. More frequently than ever before during the cheerless days of his solitary widowhood did he now suffer from accesses of profound mental depression. He was weary, and at fifty already felt an old man. What great tribulations had he had to bear during the quarter of a century of his reign. Again now at times, as in earlier days, he had serious thoughts of relinquishing the burden of the crown, and of passing the evening of his days in a life of rural repose which would be far more accordant with his personal inclinations.[4] He often found business extremely

[1] Hardenberg's Diary, November 9 and 10, 1820.
[2] King Frederick William to Gröben, February 15, 1820.
[3] Stockhorn's Report, April 25, 1821.
[4] Hardenberg's Diary, November 11, 1820.

irksome, and it was by no means easy to induce him to undertake the journey to Troppau.[1]

In such a mood, harassed and discouraged, shortly before Hardenberg set out for Troppau, the king sent an autograph despatch to the chancellor, commanding him to express his views once more regarding the constitutional question.[2] This was the first definite intimation received by Hardenberg that the king had now begun to have misgivings about the constitution; for if the communes' ordinance fell to the ground, the national assembly would fall with it, unless the whole work were to be recommenced with resolute will. Recognising all that was at stake, the chancellor replied in a detailed memorial. He wrote in French, doubtless foreseeing that in Troppau the king would discuss the question with the two emperors.[3] Once more he unfolded his design for a bicameral system. The upper house was to consist of the mediatised nobles (*Standesherrn*), church dignitaries, some representatives of the landed gentry, and a certain number of members specially nominated by the king. The second chamber was to be subdivided into three benches, each representing one of the three estates. On ordinary occasions, the two houses were to deliberate separately, and were to hold joint session for matters of special importance only. To allay the anxieties of the feudalists he further suggested that the provincial diets should be harmonised as far as possible to the old territorial delimitations. In conclusion he wrote: "The general representative assembly would have nothing to do with administrative affairs, but would concern itself solely with general laws and other matters laid before it by your majesty. The initiative in everything would remain in the hands of the president, to be nominated by the crown. The sittings would be private, the results only being made public. Purely military affairs, police matters, and foreign affairs, would be outside the competence of the assembly. The royal ministers and state officials could be censured and held accountable only before your majesty's throne. In this way a general representative assembly could be beneficial, and could not possibly prove disadvantageous." For the moment no answer was vouchsafed to this despatch, for

[1] Hardenberg's Diary, October 25, 1820.

[2] Hardenberg's Diary, November 5, 1820.

[3] The original of this memorial has recently been discovered by A. Stern (Researches in German History, pp. 26 and 321). Its principal contents were previously known, for the main clauses, in literal German translation, were reproduced by Hardenberg in his report of May 2, 1821.

Frederick William now held practically no intercourse with his chancellor.

The more reticent the king, the more strongly did Hardenberg recognise the influence of the young crown prince, who now began to intervene actively in the working of the state. The natural antagonism which unceasingly recurs in powerful ruling houses between a prince and his successor, safeguards the conservative power of dynastic tradition from spiritless rigidity; it is to this that monarchy owes the energy of rejuvenescence. In the higher levels of life there is no position so joyless, none so exposed to temptation, as that of the crown prince in a powerful state; nowhere is the spirit of contradiction more strongly stimulated, nowhere more painfully felt that inevitable difference between the older and the younger generation which are never able to understand one another completely. In the house of the Hohenzollerns, since the days of George William and the Great Elector, no heir to the throne had ever been perfectly at one with the reigning monarch. How wide now seemed the separation between the old and the new time, the former typified in the inconspicuous and sober-minded king who, notwithstanding his heartfelt piety, nevertheless derived his entire outlook on the world from the rationalist enlightenment of the previous century; the latter typified in the enthusiastic disciple of romanticism, effervescing with genius and wit.

Among the chivalrous princes, whose "vivacity, spirit, and nobility" the youthful Heinrich Heine in his letters from Berlin could not sufficiently admire, the eldest seemed to deserve the palm. All the world spoke of him as the most accomplished prince in Europe, and his tutor Niebuhr hoped that with him would come a happier time for Germany, and the completion of everything which still remains inchoate and imperfect to-day. In conversation he was brilliant and irresistible, especially in these days of early youth when, still unsoured, gracious, and receptive, he absorbed everything which the earth could provide of beautiful and of good; no domain of knowledge was strange to him; in eloquent words, ever talented, ever original, he could deal with all the heights and depths of life A born orator, when he spoke in public he charmed everyone by the agreeable tones of his clear voice, by the impetus of his thought, and by the nobility of his carefully chosen language. His humour found vent just as readily in biting sarcasm as in harmless jests, and it was already

the habit of the Berlinese to father upon the crown prince every good joke that made the circuit of the town. At picnics on the Pfaueninsel he could still romp just as uncontrolledly in childlike amusement with his brothers and sisters as he had formerly done with young Argelander in the little garden at Memel. In the presence of strangers he displayed a strong sense of dignity, a vivid consciousness of his royal station; men of soft nature, like Steffens, were completely overwhelmed by the bold assurance of his demeanour. But when he opened his heart to a kindred spirit, the intimacies of personal experience flowed freely from his lips—a powerful stream of love, piety, and enthusiasm. When Bunsen journeyed for a few days through Italy alone with the prince, what a joy to him was the wealth of this royal and child-like disposition. Upon the entry into his service of Count Gröben, newly appointed chief of staff to the crown prince, the two left Charlottenburg in a carriage one fine summer evening, and when they stopped at Königsberg in Neumark at five the following morning, the talk had never ceased even for a moment, and the new companion had been won over to his young master for the rest of life.[1]

Yet this brilliant spirit, which exercised an elemental influence over so many men of note, lacked innate creative faculty, and lacked also the secret of all human greatness, inner harmony. Amid the abundance of his talents, there was not one which attained the true force of genius, not one which dominated all the rest, and which might have compelled a straight course throughout life. In the mirror of history, his character appears to us, not like a bronze statue in which many metals are molten together to form a homogeneous whole, but rather as an artificially composite mosaic. Since the days of the elector Frederick William, the greatness as rulers of the members of the house of Hohenzollern, the minor and major personalties alike, had been that they were all men of simple temperament who amid the confusion of German affairs tenaciously strove towards the attainment of a clearly perceived goal—for even in the duplex temperament of Frederick the Great, the German statesman was, after all, incomparably stronger than the French wit. Now for the first time there appeared in this royal house a contradictory and enigmatical character, whose tragical destiny it was to remain a riddle to himself and to the world, to misunderstand and be misunderstood by his own time, one of genuinely German nature

[1] Count Gröben's Memoirs (1824).

in whom, unfortunately, promptness of decision was paralysed by excess of thought, a prince capable of arousing the highest possible expectations and yet unable to fulfil any of these.

Great care had been bestowed on his education. Niebuhr was his preceptor in political science, and Wolzogen in military history. But neither of these two tutors, nor Delbrück the gentle theologian, nor yet subsequently the courtly Ancillon, had been able to constrain the wilful mind of the prince to self-control by rigid discipline. Not that he was ever inclined to succumb to the ordinary temptations of courts. All his life he remained, not only a strict moralist, but a man of true inward purity, a thorough idealist, and one whose senses were wholly directed towards the eternal goods of life. What was wanting in him was the concentration of mind which is indeed especially difficult of attainment to those who are most richly gifted, but which for them no less than for others is the prerequisite of all great poietic work. Across the wide flowery meadows of ideal enjoyment his spirit fluttered like a butterfly from blossom to blossom. Never was he happier than in some "divine midsummer night's dream," musing of Hellas, of the eternal city, or of the unity of the Evangelical church; then he painted for himself the images of his yearning in such vivid colours that he became hardly capable of distinguishing appearance from reality. The first time he visited Rome he instantly felt at home there, so realistically had he pictured in his dreams the colosseum, the obelisks, and St. Peter's. To so versatile a mind, unstably reaching out into the distance, the danger of dilettantism was ever imminent; and just as so many poets of the romanticist school were talented connoisseurs rather than creative artists, so the special gift of this statesman of romanticism was found rather in the provision of a stimulus to new ideas than in moulding and completing.

The religious sentiment was the strongest power of his soul. Intimately acquainted with dogmatics and ecclesiastical history, he bowed humbly before the Christian revelation. To him life seemed valueless without personal communion with his Master and Saviour. When he was filled with religious devotion it seemed at times as if the spirit of his favourite book, the Book of Psalms, was speaking through his mouth, and as if the tones of King David's harp could be heard in his inspired words. He longed for the day when the Christian faith would hold sway throughout the entire world, when everywhere a single church would rule, a Protestant church with no visible head, but free and

wide enough to tolerate different confessions; then should the bishops be re-established in their ancient sees, and then should the old biblical office of deacon be revived. Nothing seemed to him more detestable than constraint of conscience, or the intermingling of spiritual and temporal affairs; he looked forward to the time when he himself would be able to restore the supreme episcopal authority to the hands of the church, and did not conceal his opinion that the existing organisation of the Evangelical national church was no more than transient. "Since the reign of King Frederick II," he wrote in these days, "the attempt has been made to regard the clergy as no more than state servants and it is to this unfortunate perversity that I *chiefly* ascribe the unspiritual lives of *so many!* of our clergy." [1] The best hours of the crown prince were occupied with this ideal picture of ecclesiastical freedom; the question how the sovereign state was to maintain itself side by side with the free church, seemed to him of subsidiary importance.

This force of religious sentiment was inseparably associated with Frederick William's rich artistic endowments. Many regarded him as a veritable artist. But how could the upbringing of a court provide him with that which is breath of life to the artist, nature and freedom? He had indeed, with delight, seen an abundance of the beautiful; but the golden soil of handicraft, from which healthy art springs, was unknown to him, and the artist's ecstasy, joyful vagabondage, knapsack on back, was denied to the king's son. The consequence was that in his artistic endeavours there were soon manifest traces of hypercultured senses; his architectural designs and his drawings were all individual, many of them were extremely tasteful, but many of them also crochety, overladen with intellectualised details which did not permit the emergence of any general impression. Nor was his æsthetic judgment free from this tendency to the bizarre. He greeted with enthusiasm all new work of artistic distinction, and entered into Schinkel's plans with an understanding which astounded that master; he enthusiastically furthered the restoration of the Marienburg; and it was a treat to him when he was able to send Niebuhr to Greece to disinter the marvels of Hellenic art from the ground in which they were slumbering. But his favourites among the works of art of all ages remained the basilicas of Ravenna, those sombre edifices erected in an age of transition, which to a simple taste may well appear venerable and historically

[1] Separate Opinion of the Crown Prince, February 14, 1820.

interesting, but never truly beautiful. He felt so happy there in the lonely church of St. Apollinaris, where the saints and prophets figured in the early Christian mosaics looked down stiffly and solemnly from the gold background of the walls ; in this twilight world, heathendom and Christendom, east and west, Goths, Byzantines, and Romans, seemed to pass in fantastic medley before his imagination.

His political views had been acquired in the sorrowful years of his youth, and for this reason they had become a very part of his being. Never did he forget how his mother, beloved beyond power of expression, had once upon the perron of the castle of Schwedt imparted to her sons the terrible news of Jena, and how subsequently she had inculcated upon them the need that they should wield the Prussian sword in order to exact vengeance for their unhappy brothers the Austrians. All the humiliations which his father had suffered at the hands of the arrogant conqueror remained indelible memories to the son. Vainly had the Imperator, at the Dresden meeting of 1812, played the good uncle, and told the prince how like he was to Frederick the Great. The heir to the Prussian throne regarded Napoleon as the hero of the Revolution, as the representative of that " lying spirit " which, denying faith and justice, had drowned the old and happy European order in a sea of blood and tears, and Ancillon's teachings were hardly needed to confirm the prince in this conviction. Such was his mood when he took part in the War of Liberation, and he never observed that what the awakening nations detested in Bonaparte was the despot, that what they desired from victory was not the return of the old conditions, but the vague happiness of national freedom. Now the ancient kingship by God's grace stood once more erect, and the dragon of revolution lay fettered before the shining shield of Christian legitimate monarchy. Never again must a usurper mount the throne of St. Louis, and it was essential that the league of the four powers should be maintained for a long period, under the wise leadership of Metternich, in whom the crown prince reposed unlimited confidence. Thus, perhaps, after the great shipwreck of recent years, something might still be re-established of the ancient forms of the Christo-Germanic world.

Of the old Holy Empire the prince had constructed for himself an image which was as inspired and iridescent, but also as arbitrary, as the bewitching description given by the romanticist enthusiast Novalis of " the beautiful and brilliant times when

Europe was a Christian land, and when a Christian spirit still animated this humane continent." He dreamed of an emperor of the old archducal house, freely elected by the serene highnesses his colleagues, and saw no reason why the electoral chamberlain of Brandenburg, despite his kingly title, should not still proffer the silver basin to imperial majesty. Under the emperor, " free princes would rule over free peoples " ; everywhere would be a powerful nobility, governing the peasants patriarchally, and exercising a decisive influence at the assemblies of the loyal estates ; the burghers, finally, would be subdivided into craft corporations, and would rejoice in their old guild customs. Such were the dreams to which his heart clung, living in times that had passed away for ever. He saw the bull of Lusatia and the lion of Jülich, the trefoils of Cleves and all the white, red, and green griffins of the Pomeranian duchies, a brilliant medley of time-honoured territories, united under the aegis of the black eagle ; and he hoped to revive the wealth of their historical life, and in every region of the realm to reanimate the lost class-divisions. He was never weary of visiting the sites of great memories, and of searching out the traces of ancient national customs. Now, in the Marks, he would visit the tombs of the Ascanians, or in Quedlinburg, the cradle of the Saxon kings ; now he would take pot-luck at the table of a Westphalian farmer, delighting in the traditional Cheruscan customs. He was especially fond of visiting the Rhine, and the Old Prussian provinces, passing his time in the precincts of the magnificent Gothic fanes or in the fortresses of the Teutonic knights.

These images of ancient German splendours left but little room in his mind for the living Prussian sense of the state. The genius of King Frederick, the man of action, had conceived the course of German history as if the two previous centuries had been filled with unceasing, if vain, endeavours towards one single goal, which was now at length to be attained through the Silesian wars. Before the artist's vision of this young prince, on the other hand, the lineaments of his country's past assumed forms so marvellous and so beautiful, that in comparison the contemporary state and the proud hopes of Prussia's future faded into insignificance. The crown prince was first a legitimate Christian ruler, in the second place a German, and last of all a Prussian. He was doubtless fascinated at the thought that he would some day ascend the throne as the seventeenth of his line, as successor to the illustrious series of sixteen electors and kings. But apart from the wars of liberation, the Prussian annals offered few inci-

dents which he could contemplate with unmixed joy. This utterly modern and secular kingdom had arisen out of the contest with the archducal house of Austria and the mendacious forms of the imperial constitution, out of the struggle against the ambitions of contentious theologians, out of the struggle against the particularist spirit of the territories and the unbridled excesses of feudal licence. Not one of his great ancestors could be very dear to the heart of this descendant. The roughness of Frederick William I repelled him; and however sincerely he might appreciate Frederick's personal greatness, he had little in common with the ideas of this royal freethinker who had first ventured to undertake the destruction of German dualism—for the crown prince could imagine nothing more desirable for his nation than peaceful dualism.

Nor could he do full justice to the two chief pillars of Prussian kingship. Officialdom with its regular ordering of affairs seemed tedious, and he cared little for intercourse with the old privy councillors. The formalism of the board-room was censured by him with a severity which he did not apply to the sins of aristocratic arrogance, and of all the sciences there was none which had less attraction for him than law, although he followed with interest the inspired researches into the history of jurisprudence that were undertaken by his friend Savigny. He was estranged from the army by his unmilitary inclinations. It is true that he spoke with pride of this army, "the first in the world"; and that he often declared, "I feel myself to be a Prussian officer through and through." He had shown his mettle on the battle-field, and on one occasion, under heavy fire, when the officers exhorted him to caution, he answered indifferently, "What would it matter if I were hit? My brother William would then be crown prince." After the war he remained in supreme command of the Pomeranian army corps, and learned much from his aide-de-camp Colonel Schack, the favourite of York, cut off prematurely. But it soon became obvious that the precision and the monotony of the service were irksome to the prince. Plain-spoken generals declared that he did not really understand how to get on with veteran soldiers; and those who knew him more intimately were well aware that he detested war, that this son of the Hohenzollerns was dominated to excess by the love of peace characteristic of his house. He was attracted to the officers he preferred, C. von Rödder, Gröben, Willisen, and L. von Gerlach, rather by common views on ecclesiastical and political matters than by military comradeship.

The crown prince had a contempt for bureaucratic coercion, and since he gave candid utterance to his views regarding the timidities of the police and the mistakes of the administration, the imperfectly informed were inclined to credit him with liberal views, and his uncle, Ernest Augustus of Cumberland, a stubborn conservative of the old school, even blamed him for his Jacobin tendencies. Nor was it by any means the prince's purpose to attempt the imposition of simple barriers against the time-current. Rather did he regard it as his vocation to mediate sagaciously between the two extreme parties which were convulsing the world. He was fond of illustrating his position by quoting the aphorism of de Maistre: "We desire neither the revolution nor the counter-revolution, but the obverse of revolution." But Gneisenau wrote to the chancellor saying: "The crown prince would rather guide the waters back to their source than regulate their flow in the plains." [1] The military commander's insight was profounder here than Frederick William's self-knowledge. The political ideas of Niebuhr and Savigny were accepted by the prince with docility, but were so profoundly metamorphosed by the historic longings of his emotional nature that he ultimately attained a position far more remote from the liberal world than was that of his straightforward father. The king had not been afraid to venture that "revolution in a good sense," that social transformation which after all had much in common with the discredited "ideas of '89," and even though many manifestations of the time filled him with concern he still clung firmly to the fundamental notions of modern political unity and equality before the law. The heir to the throne, on the other hand, loathed the revolution, regarding it as a power of darkness which must absolutely disappear from history, even though it had so long been inscribing its name in the annals of Europe with a brazen stilus.

More and more did he incline towards the views of Haller, and of the latter's pupils, the brothers Gerlach. Thus his state of contradiction with the progressive ideas of the century was no less tragical than had in former days been that of his ancestor, Joachim I, whom moreover he strikingly resembled in personal appearance. However divergent the two characters may appear at the first glance, that of the hard, sober-minded and practical, narrow-hearted Joachim, and that of his inspired, amiable, and indefatigably benevolent descendant, nevertheless intellectual arrogance, and contempt for the living forces of a striving and

[1] Gneisenau to Hardenberg, February 6, 1821.

fermenting epoch, were common to the two men. Just as from the secure fortress of his canonical learning Joachim looked down contemptuously upon the rude monk of Wittenberg who had the audacity to tamper with the ingenious work of so many centuries, so in the powerful influx of liberal ideas Frederick William could see nothing but stupidity and malevolence. Indisputably, his general view of the state was more profound, and in essence also freer, than the insipid doctrines of the liberal law of reason. In many political questions, too, his judgment was more accurate than that of his opponents. He recognised the fragility of party structures based merely upon opinions and not upon real interests, nor was he ever under any illusion concerning the worth of the much-belauded constitutional liberty of France. But he did not see that behind the speeches of the liberal orators and publicists, senseless as these often were, there nevertheless stood a vigorous social force, one full of promise for the future, that of the middle classes, whose wealth and culture increased with each succeeding year of peace. He did not recognise that the power of history, which had long ago created the old class divisions, had three hundred years before deprived the leading order, the clergy, of its dominant position, and had since then been irresistibly at work upon the mitigation of the other class contrasts. And just as Joachim, despite all his caution and severity, had not been able to prevent the Protestant doctrine from making its way into the Marks immediately after his death, so now Joachim's descendant was to suffer the still more distressing destiny of being forced with his own hand to open the gates of his state for the admission of the constitutional ideas which he so profoundly scorned.

Who can contemplate without painful emotion the figure of this prince foredoomed to martyrdom? Born, as it seemed, for all that was great and glorious, nature had with a spendthrift hand equipped him lavishly with good qualities of head and of heart, and yet those simple and massive endowments which make the statesman were denied him. He lacked the instinct for reality which leads a man to see things as they are, the straightforward understanding which renders it possible to distinguish the essential from the accessory. How difficult it was for this artist in speech, whose spoken words exercised so wide an influence, to convey definitely in his memorials and letters what he really desired to say. By the excessive use of notes of exclamation and by double and triple underlining he attempted to supplement that which,

despite his rare command of language, he was unable to express. The man of clear intelligence has no need of such crutches, for he constructs his sentences in such a manner that the reader is compelled to emphasise the words correctly. He lacked also the primal energy of will. The officers soon observed that he did not know how to command, and that his orders were badly obeyed. His mood would change all of a sudden from easy-going complacency to effervescent violence, and his scintillating wit was often reminiscent of the fainéant humour of Hamlet. Such doubts already found expression, and General Wolzogen voiced them courteously and comprehensively when he said: "He is certainly a genius, but I question whether Prussia can endure a genius." For us of a later generation, an enigmatical pathological factor has to be taken into account, one which the candid historian cannot pass over in silence, even though he need touch on it but lightly. It is possible that the sinister disorder with which this highly endowed man was affected in the evening of his days, had already given transient traces of its existence in earlier years. This much at any rate is proved, that from 1848 onwards traits became apparent in the life of Frederick William which are explicable in no other way than as the outcome of transient paroxysms of mental aberration. It will doubtless ever remain obscure at what date the first indications of this terrible visitation became manifest.

At this time two new political writings made the round of ultra-conservative circles in Prussia. The "restorer of political science" now furnished the practical application of his great work, and in his book *Regarding the Spanish Cortes Constitution* declared war so unsparingly upon all constitutional endeavours that the authorities of his native land thought it expedient to suppress the edition. But when the Spanish chargé d'affaires in Vienna asked Austria to prohibit the circulation of Haller's book in that country, Metternich answered imperturbably that it would be better to wait until the Spanish press had been forbidden to make attacks upon Austria.[1] Metternich had good reason to protect the Bernese writer, for the ideals of the liberal doctrinaires had never before been so cruelly maltreated. It would have been well if a certain amount of historical justice had been combined with this cheap criticism of radical follies. Not a word did Haller say to show that it was at a time when King Ferdinand had faithlessly abandoned his country that this monarchical

[1] Krusemark's Report, September 27, 1820.

constitution had been originated without monarchical authority; not a word about the scandalous deeds of the restored despotism, deeds which cried to heaven, and which had stimulated the loyal populace to their outburst of rage. "The sophists' guild, the powerful sect which in France murdered the heir to the throne," this and this alone had brought the Spanish fundamental law into being, not for the law's own sake, but in order to establish its own sovereignty—and to this sect belonged also the literators who in Germany, screaming and scribbling, were attacking the thrones. Haller did not recoil from the open advocacy of perjury; an oath which pledged the king to contempt for all divine and human laws was, he said, a scandal, a blasphemy, and consequently was not binding. At the same time he reiterated his view that his "God-willed" state was to be no more than a private association, and was to renounce all undertakings for cultural purposes. He rejected general taxation, conscription, and a national system of education, complaining that by these institutions, "a sect simultaneously deprives us of property, body, and soul!" In conclusion, he addressed himself to the kings of Europe, and especially to those of Germany, saying: "Shun the word 'constitution'; it introduces poison into monarchies, for it presupposes democratic principles, organises internal strife, and creates two elements which struggle against one another to the death." It is only "territorial or provincial estates, just as they are created by nature" which are becoming to a monarchy, in order that the idea of power may be adorned by the free and joyful assent of the immediately loyal. An invective against the Prussian Kronfideikommiss was included, the author exclaiming: "Rid yourselves of your ancestral lands, which are by no means an ornament to your house." Above all, however, he demanded: "War, holy war against the sophists, who have detached themselves from your nation by their principles and their league!" Every sentence seemed designed to widen the chasm between the German parties, and Haller did in fact contribute more than any other publicist to the poisoning of our political life.

The refined sentiments of the crown prince made it impossible for him to accept such fanatical principles without reserve; the callous advocacy of perjury was necessarily repulsive to him. Nevertheless he failed to recognise that this "restorer," who utterly rejected the three great civic duties of Prussia, military service, the payment of taxes, and school-attendance, could not have any notion of the vital conditions of the Prussian state. The

distinction between natural estates and democratic constitutions was congenial to his mind, and he seriously believed in the existence of a sophists' conspiracy ramifying throughout Europe. At the very time when Haller had just published this furious libel his name stood high in honour in the palace of the crown prince, and it appears certain that in court circles the proposal to summon the great Bernese patrician to Berlin received serious consideration. Fortunately, however, at this juncture Haller's secession from the Protestant church was reported, and thereafter no one ventured to suggest the appointment to the king. Nor would the crown prince have now tolerated the restorer in his entourage, for although he inclined far in the direction of many Catholic ideas, the Protestant church remained sacred to him.

Still more remote from the thought-world of the Protestant north was Joseph de Maistre's *Du Pape*, a book composed eight years earlier, presumably designed for the conversion of Czar Alexander, but not published in Paris until 1819, and only now becoming known in Germany. This is unquestionably the finest work of the newer ultramontane political school, written in a masterly style, pitilessly logical in its conclusions, and glowing with a warmth of conviction which enforces respect even from opponents. The terrible doctrine of papal infallibility was here expounded in plain terms, a doctrine which arises by logical necessity out of the whole history of the Roman church, but one which no one had ventured to formulate openly amid the national ecclesiastical structures of the eighteenth century. Since every human law is imperfect, and subject to exceptions, there must exist an infallible supreme authority, endowed with the right to bind and to loose. To temporal sovereigns directly established by God this infallibility is humanly assigned, but it is actually vested solely in the vicegerent of Christ. Consequently a bond of obedience ties all legitimate sovereigns to the holy see, the arbiter of the world of states, and a healthy political life is conceivable on no other basis than that of Catholic unity of belief. What mattered to this fanatic the incontestable fact that the political development of the Protestant nations had hitherto run a tolerable peaceful course, whereas the Revolution, born in Catholic France, had visited the Catholic states with especial severity, and at this very time was affecting with countless spasms the two Catholic peninsulas of southern Europe. On his side the writer had the dialectical energy of the maxim: Whoever speaks of authority, speaks of the pope, or speaks of nothing at all.

Terror of the revolution dominated the German courts so completely that many intelligent Protestants swore by the wisdom of the Savoyard philosopher without noticing the way in which almost every sentence of this well-compacted doctrinal structure was dependent upon the principle of papal infallibility. Gentz, although in the centre of his being he always remained a Kantian, declared that de Maistre's writing was the leading book of the century, and exclaimed in delight, "This is the man for me!" Some of the dazzling paradoxes of the brilliant ultramontane were joyfully colported throughout the polite world, as for instance the celebrated catchword which is almost identical with Haller's expressions, to the effect that the princes have to thank their peoples merely for vain glitter, but the peoples have to thank their princes for everything, for social existence. Even the crown prince of Prussia became intoxicated with the incense-fumes of these half truths.

Egoistic monarchs usually incline to keep their successors aloof from public affairs. King Frederick William, however, looked with fatherly pride upon his promising heir, who in turn always regarded his father with filial affection. The mistrust which the king so often felt towards talented natures was completely in abeyance as far as concerned his son, although in the latter's character there was much which might be called talented in a somewhat critical sense. Upon Hardenberg's advice the crown prince was introduced into the ministry of state immediately after the war,[1] and since there, as subsequently in the council of state, he was by no means sparing in the use of his tongue, the modest king soon believed he could discern in "his Fritz" great talent for statesmanship, although in reality he himself possessed far more political acumen than the heir to the throne. The crown prince was fond of conversing with the able old chancellor, and in social intercourse he invariably availed himself of the fine privilege of royal impartiality, encountering on friendly terms the statesmen of all parties, as long as they were men of intelligence—W. Humboldt, for instance, Schön, and Niebuhr During the struggle for fiscal reform he wrote on one occasion to the chancellor: "This one thing you *must* believe of me, that the words friendship, confidence, respect, *are in my mouth no mere empty sounds*, and that in truth I know of no other terms to use when I speak of my relationship to yourself." At the moment of writing, being readily subject to emotional influences, he may

[1] Hardenberg's Diary, December 28, 1815.

doubtless have been inspired by such sentiments, but it was impossible for him to repose a firm and permanent trust in the man who was in all things a child of the eighteenth century. The bureaucratic-liberal tendency of Hardenberg's policy remained suspect to him, and he expressed himself in bitter terms regarding the chancellor's distasteful domestic life.

The promise of a representative constitution filled the crown prince with glad expectations, for he had never regarded the rigid absolutism of old days, as anything more than a temporary expedient. But he was convinced that in the reconstituted diets, representing the distinctive classes of the community, the nobility must maintain the predominant position, and the prince intervened actively on behalf of the future of the nobility. In one of the few memorials which issued from his pen during these years there is a detailed discussion of the question whether the heads of those families that had been immediates of the empire were entitled to be spoken of as "ruling princes." He answered this question in the affirmative, rejecting for these houses the unhistoric name of *Standesherr*, which, he said, should properly be applied only to members of the privileged baronage of Silesia and Lusatia: "Now, more particularly, when the representative system is under consideration, no confusion must be allowed to prevail regarding the character of the great families of the country."[1] No less firmly was he convinced that the new provincial diets ought to be associated with the traditional territorial areas. He therefore welcomed the feudalist movement of the nobility of Jülich-Cleves and Mark, expressing his thanks to its leaders for having "directed their attention to the provision of a secure foundation for the innovation." He was little troubled by the problem as to how these ancient territorial estates were to harmonise with the new sub-division of the provinces. For the rest, he was by no means disposed to permit to subjects presumptuous intervention in the constitutional question, for now as in later years he wished to reserve for the crown the postion of providence; the people were to await in silence the king's dispositions regarding the provincial diets. For this reason he bluntly rejected the before-mentioned impetuous writing by Görres, although the author was inspired by good feudalist sentiments. The crown prince at this time still honestly desired the summoning of a national assembly, but the assembly, in accordance with the ordinance of 1815, was to proceed "organically" out of the provincial diets. Hitherto, however, the

[1] Separate Opinion of the Crown Prince, May 11, 1822.

heir to the throne had not manifested himself as an opponent on principle of the chancellor, for the dispute in the matter of fiscal reform had concerned only the question of fact, whether the new taxes were veritably indispensable.

But now all at once the proposals of the communes' ordinance committee forced the prince to abandon his expectant attitude. How was it possible that these proposals could fail to seem to him altogether unacceptable when with bureaucratic broom they so vigorously attacked the territorial peculiarities of the country, and when they threatened the foundations of the time-honoured preponderance of the nobility, without, after all, establishing a vigorous self-government for the circles? It was no longer possible for him to follow the chancellor, and it was in accordance with the nature of things that he should endeavour to come to an understanding with the feudalist party, whose aims in any case corresponded with his own inclinations. His tutor Ancillon, and also Wittgenstein, and Schuckmann, spoke in the same sense; and if the communes' committee had erred gravely in its attempts at excessive centralisation, there was now mooted in the opposing camp an equally dangerous suggestion that it might be preferable to leave the organisation of the communes and circles in the individual provinces to the entire discretion of the future provincial diets. Thus old and new opponents of the chancellor coalesced to constitute a powerful opposition. The wind was favourable to the enemy, and it would not be difficult to ensure that the old statesman's last reforms, begun under such promising auspices, should remain a patchwork.

Prussian affairs were in this serious posture when Hardenberg once more found it necessary to devote his attention to European questions.

CHAPTER III.

TROPPAU AND LAIBACH.

§ 1. THE REVOLUTION IN THE LATIN COUNTRIES.

MODERN history owes its peculiar wealth, not to the nobility of a superior civilisation, but to the extent of its circle of vision, to the lively intercourse of its free society of nations. Nationalism and cosmopolitanism, patriotic and universally human ideas, have since the days of the Reformation supplemented one another and become intertwined in such manifold transitions that the severe national uniformities of antiquity and the theocratic restrictions of the Middle Ages appear in comparison almost monotonous. Now some new religious or political conception will divide the world of states into two great camps, so that national contrasts seem almost to disappear, while now the nations endeavour to isolate themselves one from another in crude self-sufficiency ; now modern nations become rejuvenated through the acceptance of foreign ideas, while now again they steel themselves in the struggle against extraneous forces.

Barely five years after the overthrow of the Napoleonic world-empire, the cosmopolitan power of the revolution resurged with unanticipated strength. From South America, where a young world of peoples was struggling for existence, the revolt in the beginning of 1820 reacted upon the Spanish motherland, the disturbance spreading soon to Portugal as well, all the old catch-words of the revolutions in North America and in France exercising their alluring influence. Six months later Italy also was in flames. When an additional year had elapsed Greece took up arms against her Turkish masters, and in this national struggle also there resounded the world-conquering ideas of '89 : the Greek song Λεῦτε παῖδες τῶν Ἑλλήνων (" Sons of the Greeks, arise ! ") was the last stormy echo of the *Marseillaise*. Suppressed in the chief countries of Europe, the revolution, as if through the enigmatic natural force of a subterranean conflagration, suddenly broke

forth from the ground at all the outposts of the civilised world. The witchery of the immeasurably remote, the sheen of the southern sky, the blazing passion of hot-blooded and half-civilised peoples, served to increase yet further the romantic stimulus of the grandiose drama.

With all the impetuosity of their fervour and their inspiration, the two leading political poets of the age, Byron and Moore, the spokesmen of cosmopolitan radicalism, flung themselves into the vortex of this wild movement, greeting intoxicated with delight "the first year of the second dawn of freedom." Thomas Moore saw the ice palace which the Holy Alliance had built for itself on the wintry floes of the Neva melting away in the rays of the southern sun, he saw the nations as in a torch-dance passing on the light of freedom from hand to hand, and hoped that he would live to witness the day when this sacred fire would flame upon all the altars of the world, when the league of princes would yield place to the brotherhood of free nations. In *Don Juan* Byron clamorously declared that the revolution alone could liberate the world from the excrement of hell, and the time soon came when he could triumphantly announce that on Athos' heights, beside the tranquil sea, in two hemispheres, the same flag was floating on the breeze.

How was it possible that the Germans, whose minds were still permeated by the æsthetic view of the world order, should fail to be delighted at the strange spectacle of this volcanic convulsion? Discouraged by the sad disillusionments of the first years of political apprenticeship, the nation was inclined once more to turn altogether aside from the problems of political life; nothing but the romantic charm which played around these distant struggles could have availed to shake it out of its slumber. It was indeed impossible to derive genuine ideals, sound political notions, from the revolutions of the south. In rapid succession, a refulgent period of literary creation and an epoch of military glory had been traversed by Germany. After all these wonderful experiences, the quiet years of peace seemed vapid and empty, and in the brave generation which had fought the battles of the War of Liberation was now often heard the despairing complaint that this was a decadent age, stamped with the curse of barrenness. How natural therefore was the joy when great struggles and great passions seemed once again to break the monotony of existence. The newspaper readers of Germany avidly swallowed all the wonderful news from the south, and in the very

lifetime of Stein and Gneisenau these readers gave themselves up to enthusiasm for the often dubious heroism of the popular leaders of the Latin nations; even Rehberg, the sober-minded Lower Saxon, opined that the occurrences in Spain were perhaps the greatest the world had known for thirty years. The Christo-Germanic ideals of the students, the proud memories of Leipzig and Belle Alliance, paled more and more into insignificance. Cosmopolitan enthusiasm for the ideas of '89 was revived, and this cosmopolitanism sported French colours, for from the aureoles which surrounded the heads of the southern fighters for freedom a splendour was radiated back upon the birthland of the rights of man. By the uprising of the peoples of the north, the Napoleonic world-empire had been laid in ruins; after the revolutions of 1820, the political ideas of the Latin-Catholic world once more made the round of the globe.

Suppression and prosecution had visited our press when it first attempted to criticise home political conditions; the newspapers now turned their attention abroad, filling their columns with reports from Spain and Italy, borrowed from the wealthier periodicals of England and France. Thus readers grew accustomed to allow their thoughts to roam aimlessly through distant fields, and they habituated themselves to pass judgment upon matters they did not understand. The name of revolution now became part of a cult, just as it had been in former days when Klopstock was singing the dawn of Gallic liberty. It seemed as if nothing but the sudden awakening of free national energy could show the Germans a way out of their miseries, and many a radical hotspur passionately exclaimed that every nation had had its revolution, the sluggish Germans alone excepted! The admirers of neo-French liberty seemed altogether unaware that the boldest and most fruitful of all modern revolutions had proceeded from the land of Martin Luther; still less did they recognise that the revolutionary uprisings of the south were not the outcome of any exceptional heroic energy on the part of the southern peoples, but were due to the crimes of despotic governments whose yoke pressed upon the masses far more heavily than did the futilities of the Germanic Federation. Thus it was that the revolutionary tenets of the vanquished began once more to permeate the country of the victors, and a mass of combustible material was gradually accumulated, preparing the way for the conflagrations of 1830 and 1848. Discontent was still weak and devoid of danger, being restricted to certain circles among the cultured classes where the

force of revolutionary will was completely lacking; but this discontent was bound to increase as the years passed, since by the federal political system the nation was forbidden all legislative co-operation, and since anger at the mistakes of the governments was continually increased by the shameful consciousness of the disintegration of Germany.

For more than two centuries the motley racial compost of Spanish America had remained an unknown world to Europeans, suspiciously secluded by a somnolent ecclesiastico-political regime which did not seriously oppress the colonies, but endeavoured to keep them in a condition of perpetual childhood. It was not until the secession of the North American states from England had announced to the young continent the dawn of a new day, while simultaneously the reforms of King Charles III had granted the motherland and the colonies certain increased commercial facilities and a moderate degree of freedom in intellectual life, that in these growing nations an American consciousness began to stir. Then, when the Spaniards were fighting against the French conqueror, the colonies too raised the banner of revolt, expelling the viceroys of Joseph Napoleon, and constituting juntas after the Spanish manner. But out of the common struggles for national independence there gradually emerged a spirit of resistance against Spain herself. The motherland, devastated by war, was forced to leave the colonies to their own devices, although the Cortes of Cadiz believed itself justified in legislating "for the Spaniards of both hemispheres." As early as 1810, the *grito de dolores* was voiced from Mexico, and a terrible revolt nearly overthrew the Spanish dominion in Central America. A year later, Venezuela, "the first-born of American freedom," proclaimed, almost in the words of the North American declaration of independence, the natural right of the peoples to dissolve every tie which failed to correspond with the original aim of the social contract.

The Mexicans' "cry of distress," which was subsequently incorporated in the vocabulary of revolutionary propaganda, was at first little regarded in Europe; so long as Spain was engaged in a life-and-death struggle against Napoleon, a revolt against this much-admired nation could secure little moral support in the old world. When King Ferdinand returned to Madrid he would have been able by a few trifling concessions to suppress a movement which was manifestly premature. But the blind arrogance of the Bourbons caused the dying fires to break afresh into flame. In the year 1817, the Chilians, the most

vigorous people of the southern continent, rose in revolt. After this the revolution made effective progress, and separation from the motherland was now openly admitted to be its aim. The nation-building energy of war first gave a great meaning to the life of these young communities, awakening in them a common hatred and a common pride, providing them with common serious memories, and thus furnishing them with a consciousness of their common peculiarities. Upon a race without a history, which had never lived actively and independently for the state, and which had so recently accepted as a new revelation the French doctrines of equality, the brilliant example of the neighbouring United States exercised an irresistible influence. It could already be plainly foreseen that as an outcome of the horrors of war a number of republics would arise, and that in America for a long time to come the republican would remain the standard form of government, like the monarchical is in Europe and the theocratic in the east.

The citizens of North America impatiently awaited the day when their new continent was at length to be fully emancipated from European tutelage. English commercial policy had indifferently abandoned the Spanish ally as soon as Spain had served England's turn against Napoleon; and England now contemplated with obvious satisfaction the progress of a movement which promised to throw an illimitable market open to her trade. Although neither the United States nor England had formally abandoned neutrality, their benevolent attitude towards the Spanish American revolt sufficed to frustrate the design of European intervention which was more than once suggested in St. Petersburg. A number of English volunteers, impelled by that clear-sighted national instinct which ever distinguishes the Britons, joined the rebel armies; Uslar, the valiant Hanoverian, and many other officers of the German legion, who could no longer find any use for their good swords in Europe, acquired new war-like renown in conflict with the very Spaniards beside whom they had once fought shoulder to shoulder. Now, in the year 1819, came the wonderful news of Bolivar's audacious campaign across the Cordilleras, and of the foundation of the republic of Columbia; the newspapers of both continents rivalled one another in extolling Bolivar the liberator, the second Washington, the Hannibal of the Andes. In the contradictory character of this Creole hero there was indeed no trace of the mental repose and the statesmanlike clarity of the great Virginian. Bolivar oscillated unstably

between rashness and pusillanimity, between patriotic self-sacrifice and theatrical vanity, between revolutionary opinions and despotic desires. Yet the warlike impetuosity of these half-formed peoples, their staying power amid poverty and deprivation, greatly excelled anything that the North Americans had ever done in the struggle for independence. They earned their freedom by severe sacrifices. However dismal the conditions might appear at the outset in the new republics, no one who took long views could possibly fail to see that world history was once more holding one of her great assizes and was once again uttering the harsh verdict *sic vos non vobis!* The work of the conquistadores, the discovery of the new world, could not come to fruition until this colonial empire lay in ruins, for not until then was it possible for the influences of European civilisation to flow freely across the young continent.

By the rare favour of fortune it now happened that the same revolutionary ideas which inflamed the courage of the leaders of the creole rebels served to paralyse the resistance of the mother-land. With the assistance of Czar Alexander, King Ferdinand had built a navy and had assembled an army in the vicinity of Cadiz, these forces being intended for the subdual of the American revolts. But the issue was decided by an outbreak of mutiny in this very army on New Year's day, 1820, for after this Spain no longer possessed the power requisite to enforce obedience on the colonies. The disturbance among the soldiery was merely an expression of discontent on the part of sadly neglected troops; and when Colonel Riego, the prime mover, proclaimed the Cortez constitution of 1812, he secured but partial approval even from the army. It was owing solely to the hopeless weakness of King Ferdinand, who, as if shaken by a bad conscience, let his opponents do as they pleased, that the feeble initiative had unexpected consequences. Its success was assured as soon as it spread to the north and involved the stalwart Gallegos. On March 9th, before the revolutionary town-council of the Madrid commune, the king swore to observe the constitution of 1812. The very constitution which six years earlier Ferdinand had abolished amid popular exultation, was now hailed by the intoxicated nation as a revelation of freedom. The sacred charter was borne through the streets and was venerated everywhere with genuflexions as if it had been the host; in the elementary schools, the children were taught the catechism of the divine law-book. In the newly

summoned Cortes was displayed all the magniloquence of the melodious Spanish oratory; still more passionate were the big words used in the radical club of the Café Lorencini, which soon vociferated no less powerfully in the Spanish capital than had of old the Jacobin club in Paris. The works of Voltaire, Diderot, and Rousseau were now imported in large quantities across the liberated frontier, in order to impregnate the people with the saving doctrines of the Revolution. For several months the country bathed in a sea of happiness. The Madrid press triumphantly declared that what other nations had failed to obtain after many years of struggle, had been secured by Spain through six years of patience, one day of fulfilment, and two days of joy. "Foreigners will before long visit our land in order to become acquainted with genuine freedom and human dignity. Nations, admire Spain! Armies, imitate our courage!"

It sounded like a fable from the world of topsyturveydom that this self-sufficient nation, which had ever secluded itself most stringently from contact with other lands, and had therefore, among them all, least possessed propagandist energy, should now claim to give to Europe the law of freedom. Nevertheless the least known among the countries of Europe was for a time actually hailed by the press of the rest of the world as the focus of political wisdom. The Spanish name was still irradiated with glory as a legacy of Napoleonic days. Just as this heroic people had formerly risen in revolt against the Imperator, so now to the slumbering world it seemed to be giving the signal for the struggle on behalf of constitutional liberty. The complete and almost bloodless success deceived even thoughtful observers regarding the essential powerlessness of this revolution, and all the sins of the movement seemed innocence itself when contrasted with the detestable misgovernment of recent years. Even the repulsive spectacle of the military conspiracies aroused little criticism, for the liberal world was dominated by hostility towards standing armies, and in soldiers false to their oaths could see no more than unfortunates demanding a restoration of their human rights.

The leader of the rebellious army, a futile, vainglorious demagogue, became the hero of the hour. In Paris and London, in Vienna and Berlin, people wore cravats à la Riego. Just as the Spanish party-name of "liberal" found its way into all the languages of the civilised world, so everywhere were to be encountered credulous admirers who discovered in the Spanish sacred charter the most universally valid constitutional law of reason—and this

although no other constitution of that day bore so unmistakable an imprint of the peculiar circumstances of its origin. Amid the storms of the war, without any co-operation on the part of the king (who had then fled the country), and yet filled with dread concerning the malice that would animate the Bourbon monarch on his return, had the Cortes of Cadiz discussed the new fundamental law in the name of the sovereign people, collecting therein everything which to the Spaniards of that emotional and inexperienced generation seemed at once great and venerable, so that it contained side by side with the revolutionary propositions of the neo-French doctrine all kinds of obscure reminiscences of the feudal Fueros of mediæval Spain. Nothing but these complicated conditions, barely comprehensible to a foreigner, can explain how it was that the loyal Spaniards came to mutilate their ancient monarchical institutions in so barbarous a manner. The Cortes received sovereign powers; it was re-elected every two years independently of any action on the part of the crown, and could never be dissolved by the latter. If it prorogued itself, it left a committee to supervise the throne. A decision renewed for the third time could not be vetoed by the king. To the Cortes alone was even reserved the right of excluding incompetent or unworthy persons from succession to the crown. In fact the representatives of the sovereign people possessed all the powers of a Convention, their omnipotence being limited solely by the ingenuous prescription: "The Spanish nation is pledged to uphold and to protect liberty by means of wise and just laws."

It was obvious to the statesmen of the great powers that under such a constitution, with a worthless king, a fanatical clerical party, and a perjured army, Spain was on the way to endless confusions Especially dangerous seemed to the cabinets the power of the numerous secret societies which had unmistakably contributed to bring about this revolution. In its German Protestant homeland the order of freemasons had never diverged from its humanist aims and had always remained a free league of fraternal societies, for here it was tolerated by the state, and in Prussia and some of the minor German principalities was even favoured by the authorities. The German lodges held aloof from all political party struggles, although they naturally numbered a few revolutionaries among their members, and sometimes a conscienceless adventurer like Wit von Dörring would misuse his knowledge of masonic symbols to secure entry into the secret societies of foreign lands. In the Catholic world, on the other hand, since Pope Clement XII had

condemned the order, it had frequently been visited by ecclesiastical and political persecution, and had thereby, in contradiction to its original character, been forced into the ranks of the opposition. The hierarchical sentiment of the Romance nations, which demanded a stricter organisation in the state and in society, and the bad example of the Jesuits, favoured the growth of revolutionary secret societies, which invariably flourish in the morass of despotism. The Mediterranean lands were covered with a network of secret political clubs, a number of which were associated with the freemasons, or at least used masonic signs. It was unquestionable that the Spanish lodges had played a part in bringing about the revolt of the army. This news affected the court of Vienna like a thunderclap. Now was at length disclosed the world-wide conspiracy which had been burrowing underground, and of whose intrigues Prince Metternich had so often warned the blinded governments. The prohibition of the masonic order, which had long been in force in the other crown-lands, was now hastily extended by Emperor Francis to the Lombardo-Venetian kingdom. What a delight it was to Haller that he was at length able to demonstrate the purpose for which the revolutionary sophists' guild had created its enigmatic power. To the end of his days he continued to assure the world in passionate writings that the demagogic intrigues of the freemasons were responsible for all the titanic disturbances of the last decades: Philippe Egalité of Orleans had once been Grand Master of the order in France, and many of the Girondists had been freemasons. These wretched fables could hardly prove convincing to the king of Prussia, who, like Frederick the Great, had himself become a mason. Nevertheless at all the courts the impression was left that away in the south a secret elemental force of destruction was at work

Anxiety increased when a second Riego, General Sepulveda, made his appearance in Portugal. Here also the army mutinied, and here, notwithstanding the ancient enmity between the two neighbour lands, the sacred charter of the Spaniards, with a few revolutionary embellishments, was utilised as the basis of the fundamental law. In Portugal, moreover, the movement displayed a resistless and spontaneous energy, for here it pursued a justified national aim. The foreign dominion of the English, which had hitherto sapped the political life of the unhappy country and had unscrupulously exploited its economic energies, now collapsed, and its brutal representative, Lord Beresford, was dismissed.

Meanwhile the revolution had raised head and made victorious progress even within the dominions of the court of Vienna. With what supreme self-satisfaction had Metternich, as recently as the previous year, received the homage of the Italian courts. How confidently had he then built upon the inertia of this timid nation, how boastfully had he written to Consalvi "the gates of hell cannot prevail against the harmony between the pope and the emperor!" Quite recently the portal of the Albergotti palace in Arezzo had been adorned with a servile inscription informing the world that here the year before the glorious emperor Francis had sojourned. Now came the terrifying intelligence that on July 2nd the Neapolitan army had risen in revolt. By a natural reaction, the humiliation of the nephew in Madrid shook the throne of the uncle in Naples. After his last return, King Ferdinand of Naples had indeed ruled less cruelly than his Spanish relative. But when under King Murat the maltreated populace had experienced for the first time the blessings of a strictly ordered bureaucratic administration, the stupid absolutism of the Bourbons, vacillating between laxity and the arbitrary exercise of power, a regime which for the dear love of peace was willing to make treaties even with robber bands, could no longer regain its former prestige.

A gloomy spirit of suspicion, the disastrous legacy of centuries of foreign dominion, lay upon the land like a curse. The Sicilians could not forgive the Bourbon for having rewarded their tried loyalty by destroying the ancient independence of their celebrated crown, by annulling their recently established new constitution, and by illegally amalgamating the island with the detested continentals to constitute the kingdom of the Two Sicilies. The cultured classes of the capital still remembered with irreconcilable rancour the horrible year 1799, the treachery and the wholesale murders which had disgraced the first return of the Bourbons, and they assigned all the blood-guilt of the crime to the royal house, for the prime instigator, Nelson, had been forgotten. Here, as in Madrid, among the personages of the court there was manifest that dull-witted futility which so frequently characterises the later members of ancient princely houses, the only difference being that the angler, Ferdinand of Naples, always seemed somewhat manlier than the embroiderer, Ferdinand of Spain. No word was now heard of all the constitutional promises which the Bourbon had despatched from Palermo to his Neapolitans. Under Napoleon's banner the army had given this people their first taste of the fiery

cup of military renown. It was now despised and neglected, its finest memories were treated with scorn, its tried leaders were regarded with hostility or were driven from their positions by the favourites at the court. Legal sentiments were impossible in a country which within a few years had seen so many masters come and go. The sectarianism of the secret societies flourished luxuriantly. The masonic association of the carbonari, which was introduced from France, and which in Italy speedily assumed the character of a revolutionary secret society, competed with the reactionary conspiracy of the calderari in evil demagogic arts.

The Bourbon autocracy, thus undermined from all sides, collapsed pitiably when the dragoons in Nola raised the standard of revolt. Amid the delighted acclamations of the people, the revered squadron of the rebels then entered the capital, and the Spanish Cortes constitution was immediately proclaimed, although no complete reprint of the sacred charter could be discovered anywhere in the country. The masses, even when they mutiny, always demand an indubitable authority, a banner to which they can rally, and this unknown fundamental law was now regarded as the evangel of liberty. The king gave way before the triumphant uprising as contemptibly as his nephew in Spain. When swearing fealty to the constitution he invoked the lightnings of heaven upon his head should he ever break his oath; but secretly, like the Spaniard, he awaited with impatience the happy day of vengeance.

The insurrectionaries met with no resistance, and in their victory used every precaution to safeguard life and property. The German newspapers could not express enough admiration at the wisdom of this people which had so suddenly attained its majority; for the third time within a few weeks the revolution had triumphed without bloodshed. Liberal merchants in London and Paris offered loans, Napoleonic generals drew up plans of campaign on behalf of the cause of freedom. The revolution was centred in the army and the cultured classes, and did not as in the days of the Parthenopean republic take origin simply amid a handful of dissatisfied noblemen and professors; even the rude waterside labourers of the capital, whom the Bourbons had so often incited against the upper classes, showed themselves on this occasion by no means hostile to the cause of the *signori*. Nevertheless this irresistible movement was no more than the holiday excitement of children, and was almost weaker than its Spanish prototype. The masses broke forth into rejoicings (just as they were accus-

tomed to do at the miracle of the liquefaction) when the newly elected popular representatives passed through the gaily decorated streets on their way to church, and when swarms of liberated birds rose on a sudden from the streets. Parliament resounded with the racy expressions of revolutionary oratory, but its decisions displayed neither insight nor resolution. The noisy new national army of the Samnites, Marsi, and Hirpini suffered from all the defects of an improvised arming of the people; and from the very outset the revolution was weakened by the fierce hatred of the island against the mainland. The Sicilians too had risen in revolt. So irresistible was the power of radical idolatry in this time of tumult that instead of re-establishing their own work, the well-considered Sicilian constitution of 1812, they accepted the unknown sacred charter of the Spaniards. But since they also demanded an independent parliament for their island, and since the bands of assassins from the galleys in Palermo began a war of rapine, a confused and bloody struggle commenced between the two halves of the state, a struggle whose real purport was profoundly obscure.

To this southern half of the peninsula, which for centuries past had led a self-satisfied separate life, the thought of Italian unity was still almost repugnant; it was not the national tricolor of the kingdom of Italy but the black-blue-and-red party flag of the carbonari which now waved from the battlements of St. Elmo. It was only the two high-spirited brothers Pepe, and perhaps a few other Napoleonic veterans, whose secret hopes still reposed upon the federal state of Ausonia, the old dream of patriotic enthusiasts. Nevertheless, amid all this fantastic activity, a keen observer like Count Adam Moltke could already discern the first immature cry of a nascent great nation; he refused to censure the Italians, seeing that they were now fighting for the same good things the Germans had fought for from 1806 to 1815. Throughout the peninsula the secret societies carried on their subterranean labours. The number of their members was still small, but these few worked with all the feverish restlessness of southern conspirators, and the fine perceptions which this nation continued to preserve even in times of political debasement had long before disclosed the source of Italy's sorrows. The foreign dominion pressed heavily upon the disintegrated land, where all the petty despots supported themselves with the aid of Austria's arms. To the unhappy nation, the black-and-yellow banner was the symbol of servitude, although Austria's conduct in Italy was by no means

more arbitrary than that of the native princes. D'Aglié, the Piedmontese conservative, declared frankly to the French statesmen that the centre of disturbance in northern Italy was the Austrian provinces. Even the Hofburg was dimly aware of this. Soon after the outbreak of the Neapolitan rising, Emperor Francis set on foot a hunt in Lombardy for real and alleged conspirators. Giorgio Pallavicino, the poet Silvio Pellico, and many other faithful patriots, were arrested, and were given the opportunity for years to come of meditating upon the philanthropy of their good emperor in the fierce heat at the prison of I Piombi in Venice, or in the abominable cells of Spielberg. If the foreign dominion were to be maintained, the leaden slumber which had formerly prevailed in the peninsula under the rule of the Spanish viceroys must not be disturbed; the court of Vienna could not possibly tolerate in its vassal states the existence of constitutional forms which were impossible in Milan and Venice. Every revolutionary movement in Italy was a declaration of war against Austria, even though the nationalist aims of this movement were not as yet clearly recognised by those who initiated it and guided it.

The danger seemed the more serious when the trouble again began to smoulder in the old focus of the European revolution. In France the year 1819 had passed in tolerable quiet. Decazes had induced the king to summon to the upper house sixty new peers, for the most part dignitaries of the empire, and for a moment it seemed possible to hope that the old and the new time would at length become reconciled, and that the struggle of parties would assume milder forms. At this time general admiration was aroused by Madame de Staël's *Considérations sur la Révolution française*, the political testament of Necker's daughter, a work which reiterated with the self-righteousness of French doctrinairism the old constitutional saving truths which had been so dear to the heart of the writer. Only through the unconditional adoption of English institutions could the nation regain health, thus only could it experience a new blossoming of the arts and sciences; then women would become more virtuous, and the ambitions of men would no longer be directed towards mammon, but would aspire to the attainment of the nobler laurels of patriotic renown. Choose, she wrote in conclusion, between love of fame and greed for money! These prophecies of the excellent woman, who obviously had no inkling of the growing power of the bourse and of its influence upon parliamentary delegates, secured

enthusiastic believers. The powerful party of the doctrinaires, to which the great majority of the talented writers of the nation belonged, gave itself up to the honourable expectation that parliamentary forms would awaken in the French a new idealism.

Yet this people lacked the first prerequisite of constitutional freedom, respect for the law. France was predestined to participate with especial passion in all the great struggles by which Europe was shaken. Legitimists and radicals now faced one another with the same fierce hostility which had once animated Leaguers and Huguenots, neither party strong enough to become dominant, both strong enough to alienate the middle party of the masses of the people which remained faithful to the constitution. Whilst the *comité directeur* of the revolutionary clubs continued to weave its plots, the ultras of the Pavillon Marsan, equally unteachable, waged secret warfare against the *Charte*. The *émigrés* had not yet received compensation for their losses, and so long as no atonement had been made for the plunderings of the revolution, the party which was so fond of describing itself as the pedestal of the throne, could not straightforwardly recognise the new order of affairs. They had long been accustomed to engage in treasonable intrigues with the foreign world, and now again Chateaubriand and some of the other ultras besieged the great powers with petitions and advice. In October, 1819, an adherent of the Comte d'Artois came in profound secrecy to Berlin, presenting there and also in Vienna a memorial which adjured the courts of the Grand Alliance, availing themselves of the assistance of the heir to the throne, to open the eyes of the infatuated monarch, and to induce him to undertake a *coup d'état ;* in case of need the reasonable portion of the nation would even welcome foreign intervention in favour of the royal absolute supremacy.[1]

Both the German powers rejected the senseless proposal. But the partisan rage of the ultras remained unmitigated, and it broke out at length into absolute fury when on February 13, 1820, the Duc de Berry, the only scion of the royal house who still possessed youthful vigour, was assassinated by a revolutionary fanatic, Louvel, the locksmith. It was speedily apparent that the assassin had no confederates, but this discovery, instead of allaying fear, served merely to increase the sinister impression produced by

[1] Mémoire sur la situation de la France et sur les moyens de sauver cette monarchie, October, 1819. Observations on the same subject despatched from Austria, October, 1819. Rejoinder by the author of the Memorial, Berlin, November 8, 1819. I am unable to give the name of the author, who was unquestionably in close relationships with the Pavillon Marsan.

the crime. What a deadly hatred against the Bourbons must animate the masses of the capital when a simple manual worker, a reader of radical newspapers whose only associates were members of his own class, could conceive the design of saving the fatherland by the annihilation of the tyrant race. The royal house seemed near to extinction; the ultras breathed vengeance, and accused the moderate ministry of complicity. Five days after the murder the king was forced to yield to the petitions of the heir to the throne and of the princesses, and to dismiss his favourite Decazes. Chateaubriand hurled at the overthrown minister the horrible accusation, "his feet have slipped in the blood, and he has fallen!" Richelieu now resumed leadership of the cabinet, honourably intending at once to frighten the radical conspirators and to moderate the fury of the ultras. The suffrage was modified so that the most highly taxed received the hateful privilege of a double voting power, and freedom of the press and of the individual was greatly restricted. Meanwhile the aging king had discovered a new favourite in the Countess du Cayla, and thereafter inclined to the side of the ultras.

The great powers noted these changes with grave anxiety, considering that the well-meaning minister was not powerful enough to lay the storm.[1] In actual fact his measures served merely to increase the embitterment of the factions. In Paris and other towns the masses assembled in disorderly concourses, and on several occasions blood flowed in the streets. In August, an alarming military conspiracy was discovered in several of the garrisons. Everyone felt that the threads of this conspiracy must extend widely through the circles of the Napoleonic officers, to reach the mysterious web of the *comité directeur*, but it was not possible to lay these relationships bare. Once again passionate ultras like Sosthène de la Rochefoucauld appealed to the foreign powers for aid. Bergasse, the wretched creature who even before the Revolution had been pilloried in Beaumarchais' comedies, and who in '89 had been privy to all the court's designs for a *coup d'état*, now (September 1st) despatched a memorial to Czar Alexander which recalled the worst effusions of the old days of the *émigrés*. He solemnly demanded that the great powers should declare war jointly against the hellish sect which from the first had made its nest in France; to begin such a war would not be to enslave a nation, but to free an enslaved nation from the yoke. What else was the *Charte* but the constitution of Sieyès? In

[1] Krusemark's Reports, Vienna, February 21, March 5, 1820.

conclusion, the entire fabulous world of the reactionary visionary was conjured up, and figured in crude colours, the writer declaring that the masonic order, the parent of all the revolutionary sects, had ever regarded the Bourbons with especial hatred as the oldest of the royal houses, and that Cagliostro had inscribed upon his masonic pocket-book the letters L.P.C., signifying *Lilia pedibus calca.*[1]

Against such fanatical enemies, even the moderate parties could no longer be restrained. The entire opposition press broke forth into a chorus of malicious laughter when Auguste Thierry and Guizot now attempted to prove in two brilliant essays that for thirteen centuries the French nation had been split into profoundly hostile races, that of the Frankish nobility, and that of the Gallo-Roman *tiers état*—a dazzling half-truth which certainly opened a new circle of ideas to historical research, but which amid the party struggles of the day seemed almost like an appeal to civil war. The instinctive hatred of the bourgeois classes for the restoration, which was regarded by them as incorporating foreign rule, now found scientific justification, when France's greatest treasure, her indestructible national unity, was placed in question. Just as little as the other liberals did these gifted historians recognise the most profound cause of the inveracity of French parliamentarism. Both, indeed, perceived what a powerful influence Bonapartism still exercised in moulding the views of every Frenchman, and Thierry went so far as to refer in cordial terms to communal freedoms, but he did not grasp that the Napoleonic bureaucracy, although indisputably national, and although it was becoming ever more closely associated with the habits of the people, could never be frankly accommodated to constitutional forms of government.

Amid all these party quarrels there now fell suddenly like a bomb-shell the astounding intelligence that on September 29th the widow of the murdered duke had given birth to a son. As by a miracle, a new shoot had appeared out of the antiquated Bourbon stem. The ultras saw the finger of God piercing the clouds, and hailed the child of France, the child of Europe, with the same preposterous flattery which ten years earlier had been voiced round the cradle of the king of Rome. Charles Rodier wrote : " The first smile that illumines his lips upon the day of his baptism will announce a titanic deliverance ! " The opposition papers betrayed their ill-humour by hinting doubts as to the

[1] Bergasse, Memorial to Czar Alexander, Paris, September 1, 1820.

authenticity of the young Bourbon, and by spitefully recalling the history of the Stuarts upon whom fate had bestowed an unexpected heir shortly before their final discrowning. In truth all Europe believed that an unprecedented stroke of good fortune had firmly re-established the foundations of the French throne. It was left to the future to show how little the restricted vision of contemporaries is competent to grasp the significance of current events. This "wonderful stroke of good fortune" was a grave disaster for France and for the cause of the monarchy. If the old dynasty had died out, the house of Orleans, whose views were more in harmony with the ideas of the new century, would have succeeded to the throne, and then perchance a national monarchy, one approved by all parties, might have struck fresh roots, thus at length restoring the continuity of affairs. But the birth of this heir to the throne reawakened the old dislike of democratic society for the royal house, and stimulated the secret ambitions of the Orleans branch to sinister designs.

For the moment, indeed, the advantage was on the side of the ultras, and since in France no one willingly remains for long in the ranks of a hopeless minority, in the new elections the parties of the right secured a great success. Before the close of the year, Richelieu was compelled to summon to the ministry two leaders of the ultras, Villèle and Corbière. The disunited cabinet could with difficulty maintain itself in the see-saw of parliamentary struggles. Whilst German newspaper-readers were indulging their admiration for the brilliant eloquence of the Paris chambers, the French state was being so greatly weakened by the fierceness of party struggles that the voice of France no longer exercised any notable influence in the councils of the great powers.

At this juncture, the situation in England seemed hardly less serious. The neglect of the lower classes, the original sin of British parliamentary government, had at length borne fruit. The hungry masses, to whom the greatly desired peace had brought nothing but fresh miseries, were champing the bit; sanguinary affrays in the streets foreshadowed the approach of a serious social movement; and instead of averting the peril by the repeal of the oppressive corn-laws and by other indispensable economic reforms, the tory cabinet acted with relentless severity. The six acts against the press and public meetings (the "Gagging Acts") were passed almost simultaneously with the promulgation of the Carlsbad decrees. While the nation was still filled with resentment

on account of this last serious infringement of constitutional rights, it began also to realise how profoundly reduced was England's power in the society of states. Protected by " the silver streak," English commercial policy had of old been accustomed to exhibit with cynical unrestraint that inborn egoism which is characteristic of all states, but in which no continental country ventured to indulge to the same degree. Consequently the world had long regarded it as a natural law of politics that every ally of faithless Albion would infallibly be betrayed. Ultimately, however, even for this unassailable island, the day came on which she had to realise that moral forces are at work even in international relationships, and that by excess of perfidy a state destroys its own influence. In Spain, in Portugal, in Sicily, in Prussia—everywhere England had sacrificed or overreached her loyal companions-at-arms. The English name, which during Napoleonic days had been resplendent throughout the world, was now the object of universal execration. On the continent, Lord Castlereagh was regarded as merely the subservient train-bearer of Metternich, and far from unjust was Brougham's reproach to the incompetent minister that under his leadership Great Britain had declined to become a power of the second rank.

During this time of general discontent, the insane old king died in January, 1820. The last and most ineffectual of the four ineffectual Georges ascended the throne, and immediately showed that he was in truth, as Byron had said of him when prince regent, compounded out of the bloody dust of the headless Charles I and the heartless Henry VIII. His heart was set upon the destruction of the unhappy Queen Caroline. The man whose whole private life was nothing but continuous adultery had the effrontery to accuse his consort publicly of unfaithfulness. Not even the discovery of Thistlewood's dangerous conspiracy against the lives of the ministers could induce the king to devote serious attention to affairs of state. His own advisers and all the friendly courts saw with alarm that a European scandal was imminent, and urgently advised against the proposed step ; it was even discussed whether Metternich had not better go to London in order to take part in the delicate negotiations.[1] But as soon as it became apparent that George IV was not to be dissuaded from his long-cherished design, the Austrian statesman showed himself unreservedly willing to lend a hand to his old ally. For years past emissaries of the prince regent had tracked the persecuted

[1] Bernstorff to Ancillon, May 20, 1820.

princess upon her journeys, and men of distinguished name, members of the English and Hanoverian nobility, had not scrupled to question the chambermaids in the inns where she had spent the night. Now the well-tried Austrian police were brought into play, and in Milan a whole posse of lackeys, couriers, and serving maids was got together, ready to testify against the queen in London, while the elector of Hesse, with officious zeal, despatched his court-equerry to England as a witness.[1]

In August the trial of the queen before the house of peers began, and the Germans followed with an interest hardly less intense than that of the English the unparalleled scenes of this "royal brothel-comedy." For it was a prince of the Germanic Federation who thus showed himself utterly shameless, and it was the daughter of a German ruler upon whom this ignominy was inflicted. What had not this princess of Brunswick had to endure since she had first set foot upon the shores of the inhospitable island, ill-bred, bumptious, tactless, and capricious, and despite all these defects an honest German child of nature, upright and intrepid, in a humane environment competent for human love, too genuine for the pharisaism of this court. From the first coarsely insulted by her husband, and then calmly abandoned, betrayed, and misused; forcibly separated from her daughter Charlotte, who nevertheless, with the secure instinct of the true woman, continued to long for her mother; shunned, calumniated, bespattered with foul abuse by the polite world—such had been her lot for years. When at length she shook the dust of England from her feet, doing so with similar sensations to those which inspired Lord Byron, the queen, like the poet, took a malicious pleasure in provoking the horror of English critics. Impatiently did she demand from fate compensation for all the dolorous years, and upon her adventurous journeys she drained the goblet of pleasure with eager lips down to its most nauseous dregs. At times her sound nature continued to manifest itself; in the east, quite unalarmed by the plague, she devoted herself to providing consolation and care for sufferers from the disease. At length, however, she became hardened by her wild career. When her husband came to the throne she returned to claim her rights as a queen, and now she stood before the subjects who were to pass judgment upon her, beyond question a guilty wife, no longer worthy

[1] Piquot's Report, Vienna, April 17; Hänlein's Report, Cassel, August 28, 1820, etc., etc.

of a crown ; but what were all her sins in comparison with the crimes of the man who had poisoned her life ?

It was not merely hatred for the contemptible monarch, but an honourable human sentiment which led the masses of the capital to espouse the queen's cause with so much enthusiasm. Even the widower of Princess Charlotte, the cautious Prince Leopold of Coburg, considered it his chivalrous duty to visit his mother-in-law, for which action in Gentz's letters there was bestowed upon him the honorary title of " lord of the mob." Day after day the populace went through Hyde Park in crowds to pay homage to the queen ; and before the gates of the house of peers they threatened Lord Castlereagh, who with unmoved countenance and with leisurely pace passed on his way through the raging mob. Savage lampoons overwhelmed the king with ill wishes. A contemporary caricature shows him being driven in a float to the knacker's, with the legend " cat's meat." For three months, with the circumstantial thoroughness of English procedure, all the filth of the court was turned over before the eyes of Europe, and its effluvium smelt to heaven. In Brougham's skilful mouth, the queen's defence was converted into an overwhelming accusation against her spouse, who was forced to hide his rage and shame in solitude at Windsor. The verdict was at length given in November, and the Lords voted for the divorce by a majority of nine only. The king gave up the game as lost and had the bill withdrawn, for it was quite impossible that the Commons should ever pass it.

A monarchical state would have been shaken to its foundations by such a dishonouring of the crown. The powerful edifice of parliamentary aristocracy was unaffected, for its centre of gravity was now remote from the crown. The trial of Queen Caroline served merely to set the seal upon the process which had been going on for so long of the destruction of the old independent monarchical authority, and demonstrated to the entire world that the king of England retained barely as much power as that of a Venetian doge. But the defeat was momentous in its effect upon the dominion of the tories. In former years they had with stubborn courage led the nation in the struggle against the Napoleonic world-empire ; but since then the age had stridden over them, and all their earlier services were as nothing in face of the utterly barren and ill-considered policy of the last five years. The general dissatisfaction with the system of conservatism increased to the point of contempt, and if the detested government still held together, it was only because for the moment no one was prepared

to accept its disastrous inheritance. The whigs, who had for so long been discouraged and divided, began to gather strength once more, and quietly to concentrate their forces upon the programme of parliamentary reform. In such a situation, Castlereagh could not venture to give free rein to his reactionary inclinations, or to endorse unreservedly the European policy of his friend Metternich. Thus weakened by internal struggles, the two constitutional powers of the west looked on helplessly at the revolutions of the south.

Modern science, differing from the political doctrine of antiquity, no longer seeks the greatness of monarchy in the personal superiority of a God-given ruling race, but in the independence of a state-authority established upon its own right, and therefore unbiased and beyond the influence of social covetousness. In popular sentiment, however, political institutions acquire meaning and life only in the personalities of the individuals who wield them. So shameful a self-inflicted degradation of kingship as this generation witnessed in Spain, Italy, and England, inevitably destroyed throughout wide circles all respect for monarchy. In connection with such princes, the doctrines of legitimism seemed like a cruel mockery; and since amid the sorrows of the present the nations invariably tend to forget the gloomier features of the past, the glances of many began to turn backwards yearningly towards the towering figure of the man who had inflicted such signal humiliations upon the legitimate ruling houses. Nor had the assiduous secret activities of the emissaries from St. Helena remained altogether without influence. During the last years of his regime, the heir of the revolution had shown himself only as the despot; but now, in its evil hour, Bonapartism once again turned towards the world the democratic visage of its Janus' head.

All the letters and memorials with which the exile had flooded the European bookmarket, related in moving terms how throughout life he had followed but a single aim, to dower the French with freedom as soon as order should have been re-established; in the old days he had desired to surround himself with a circle of enlightened philanthropists, and to send these as *espions de vertu* into the provinces in the train of the empress, to mete out justice to the complaints of the poor and oppressed; unfortunately the war-lust of his envious neighbours had again and again forced the prince of peace to draw the sword and to postpone the execution of his most cherished plans. These preposterous fables found many a willing ear. In France and Poland, thousands repeated Béranger's

fierce plaint, *adieu donc pauvre gloire;* throughout the vassal lands of the Imperator, Napoleonic memories were revived. Even in England were to be found malcontents who could see in Napoleon's overthrow merely the triumph of brute force over genius, and Byron did not hesitate to glorify the legion of honour and the tricolor as the star of the brave and the rainbow of the free.

Meanwhile Eugene Beauharnais and his sister Hortense of Bavaria carried on active intercourse with Napoleon's envoys. Frau von Abel and the widow of Marshal Ney were the means of communication with France; while notwithstanding the repeated exhortations of the great powers, the good king Max Joseph was unable to make up his mind to prohibit the enterprises of his darling Eugene.[1] Outside this narrow circle of the Napoleonides there did not indeed now exist a Bonapartist party definitely aiming at the restoration of the empire. Aware of its weakness, Bonapartism made common cause with the radical parties, sowing discontent everywhere, and fostering anger against the existing order; Napoleonic veterans played an active part in all the revolutionary secret societies of France, Italy, and Poland. The press had at length become weary of diatribes against the Corscian, inclining now rather to publish sentimental complaints about the hard lot of this "prisoner of the millions"—for from the lying reports from St. Helena it was impossible to gather how unworthy this man was of sympathy. At other times the papers, with mordant humour, would compare the genius of the discrowned with the heirs of his world-dominion. A caricature circulated in South Germany pictured the three rulers of the eastern powers, and beside them a beast with three bodies and a single head; above the monster rose the form of Napoleon; beneath was written, "Solve now the riddle, to which of us three does the one head belong?" When, finally, in the summer of 1821, tidings reached Europe that the exile had passed away, death exercised its hallucinating charm, and many who had cursed the man while he was alive felt shaken by the tragedy of his fate. Even Pope Pius VII, who had suffered so severely at the rough hands of the Imperator, sent a warmly worded letter of condolence to Napoleon's mother, Letizia Buonaparte, declaring in moving terms how indelibly the image of their great fellow-countryman was graven upon the hearts of the Italians.

Involuntarily, people's thoughts turned to the boy who was

[1] Instruction to Zastrow, August 12, 1818; Zastrow's Reports, November 29, 1818, September 28, 1819, May 1, 1822, etc.

growing up in Austria, deliberately estranged from his house and his fatherland. At the second peace congress of Paris, the statesmen of the five powers had agreed in the desire that for the sake of the future tranquillity of Europe Napoleon's heir should be educated for the priestly profession. Now that the talents of the precocious child were unfolding themselves, the court of Vienna was speedily forced to recognise how little this fiery spirit was fitted for the priesthood. But the determination that the Imperator's stock should die out was maintained, most firmly of all by the Berlin cabinet, which always displayed itself utterly implacable towards the Napoleonides. When Emperor Francis created his grandson Duke of Reichstadt, on Prussia's urgent representations he expressly restricted the dignity to the person of the prince, for it was not to pass to descendants.[1] In such circumstances did the son of the world-ruler grow towards manhood, suspiciously guarded by the deadly enemies of his race. In the terrible tragedy of this house what a part was played by the shallow woman who during the four years of Cæsarean splendours had repudiated all the memories of her homeland and had even almost forgotten her mother tongue! As if nothing had happened, while her husband was still alive Marie-Louise led in Parma a frivolous widowed life, and Byron, enraged at the heartlessness of the Austrian woman, asked why should one expect princes to spare the feelings of the people when their own feelings were so superficial.

The new order of the society of states was already beginning to crumble to pieces; the congress of Vienna had but half attained the aim of its great work of peace, for the age of revolutions was not yet closed. A revolutionary breeze was now passing over the world; the sins of the re-established ancient authorities had reopened the bag of Æolus. Haller, therefore, immediately sounded the alarm, and in his fierce work upon the Spanish constitution demanded a war of extermination against the revolution. Haller was answered by his fellow-countryman Troxler, who published (1821) a German translation of Buchanan's and Milton's works upon the right of resistance, and in a vigorous preface declared that Haller's party derived its ultraism, not from conviction, but from selfishness and greed. This, too, was a sign of the times, that Troxler's book, entitled *Prince and People*, quickly ran through two large editions, although the abstract tyrannophobia of these two bold monarchomachists appertained to a

[1] Instruction to Krusemark, January 24; Krusemark's Reports, February 4 and 11, 1818.

long since superseded doctrine, to the ecclesiastico-political radicalism of the century of the wars of religion. And as if it were essential to provide formal justification of the teachings of Buchanan and Milton, the clericalist council of Lucerne promptly deprived the translator of his professoriate. Almost everywhere the revolutionary doctrine and the legitimist law were in sharp and obstinate opposition. A struggle was inevitable, and for a long time to come reconciliation seemed impossible.

§ 2. THE CONGRESS OF TROPPAU.

The very first intelligence of the disturbances in the southwest filled the courts of the great alliance with grave anxiety. "Liberalism goes on its course," wrote Metternich after the assassination of the duc de Berry"; "it rains murder, here is the fourth Sand in nine months!" For a few weeks the rulers continued to flatter themselves with the hope that the flood of the revolution would ebb once more, and the whole extent of the danger was not realised until the king of Spain accepted the Cortes constitution. All the five powers were agreed that this fundamental law was abominable. Bernstorff and Ancillon expressed the general opinion when they declared that King Ferdinand had subscribed to his own disgrace; from a constitution of this character, extorted by revolt, nothing could come but a bad republic with a shadow king. Frederick William was especially disturbed in mind. Hardenberg desired that the envoy to Spain, Baron von Werther, an able diplomat, who had been on furlough for a considerable period during which he had been represented in Madrid by a chargé d'affaires, should immediately be sent back to his important post, but the king firmly refused to take this step,[1] manifestly because he did not desire to show politeness to the revolutionary government.

Neither in Berlin nor in Vienna was any doubt felt that the league which had been renewed in Aix-la-Chapelle against the French revolutionary parties was also indirectly valid against other countries as well, and that the great powers were therefore justified in protecting the house of Bourbon in Spain just as they had protected the same house five years earlier in France. But was it advisable, was it even possible, to enforce this alleged right immediately? Of all the courts, that of St. Petersburg was alone

[1] Hardenberg's Diary, March 28, April 1, 1820.

prepared to answer this question straightway in the affirmative. Since Czar Alexander persistently played the part of guardian to the Madrid cabinet (though indeed with little success), and since he had been partially responsible for the assembling of the troops round Cadiz, it seemed to him that the revolt of the Spanish army was a slap in his own face. On March 3rd, even before the victory of the revolution had been secured, he requested the powers to instruct their envoys in Paris to deliberate concerning Spanish affairs, and when on several subsequent occasions he had confidentially exhorted them to take joint measures, he finally, on May 2nd, advanced the proposal that the allied courts should demand from the Spanish Cortes the solemn repudiation of the revolution and the establishment of a more moderate constitution.

The German great powers were unable to accept this suggestion, which could not fail to affront to an extreme degree the irritable national pride of the Spaniards. In Spain, even Napoleon had found the limits to his power; at this juncture a war against the Iberian peninsula opened an utterly hopeless prospect, for King Louis XVIII, amid the confusions of domestic party struggles, could neither venture upon armed intervention himself nor yet grant passage to German or Russian troops. Even had the cabinet of the Tuileries been able to screw itself up to so rash a resolution, England, in accordance with the old traditions of her commercial policy, would never have allowed it to be carried out; the tory government would have been hopelessly defeated in parliament had it advocated a Franco-Russian campaign against England's former ally. Lord Castlereagh immediately recognised this, and from the outset obstinately opposed the czar's desire to intervene. It was not permissible, he declared to King George IV on April 30th, that the true purposes of the Grand Alliance should be generalised in this manner, that it should be used in order to embarrass a constitutional government. At the same time, Wellington reminded the allies of his own Spanish experiences, and warned them of the anti-foreign passion of this unapproachable people. Nor could the old leader of mercenaries renounce the opportunity of once again expressing his rancour against the Prussian national army by the use of an extraordinarily inept comparison. In a letter to Richelieu he declared that the mutiny of the Spanish troops was an awful example for the German states, whose armies were constituted on the like model!

Such being the attitude of the western powers, the two German courts had also to abandon the idea of European intervention,

although Hardenberg offered no objection to joint deliberation on the part of the envoys in Paris. Both Prussia and Austria now regarded Spain as a lost position; quiet in France was worth more to them than these remoter questions. In Vienna, the fussy activities of the czar had reawakened the old mistrust of Russia, nor had the ambiguous attitude of the St. Petersburg cabinet after the Carlsbad decrees been forgotten by the Hofburg, while disquieting news had again come to hand from the Balkan peninsula regarding the intrigues of Russian agents.[1] Metternich therefore recommended, as he had done two years earlier,[2] the formation of a secret sonderbund between the German powers, which in case of need could be directed against Russia. But, on this occasion also, Prussia firmly rejected the suggestion, for the king held inalterably to the belief that the peace of the world could be secured in no other way than by the alliance of the three eastern powers, while Bernstorff considered Metternich's proposal both unwise and dishonourable. "Towards Russia," he wrote to Ancillon, "we must pursue a thoroughly upright policy; we must have neither to conceal nor to acknowledge an unrighteous action. Our friendships with Austria can never become too intimate or too strong, but it must be perfectly free, a simple relationship of mutual confidence. The advantage we hope to secure from it would be frustrated by the first written word which should impose upon us any formal and definite pledge.[3]

After this rebuff in Berlin, Metternich tried his luck with the czar, and in May sent to Lebzeltern, the Austrian envoy in St. Petersburg, a lengthy memorial intended for Alexander in person. Bernstorff spoke of this work by his Viennese friend as utterly obscure, feeble, and confused, and in truth a more wretched document had seldom issued from Metternich's fertile pen. Since he shared with his liberal opponents a fondness for doctrinaire propositions, he based his opposition to European intervention, which was merely the outcome of the momentary situation of the great powers, upon certain general political maxims, and thus unwittingly committed himself to a theory of non-intervention which was in flat contradiction with the principles he had so often reiterated of the policy of stability.[4]

[1] Krusemark's Reports, January 16, April 10, May 15 and 22, 1820

[2] Vide supra, vol. II, p. 374.

[3] Bernstorff to Ancillon, April 16, 1820.

[4] Metternich's Memorial concerning the Spanish revolution (to Lebzeltern, May, 1820). Bernstorff to Ancillon, May 20, 1820.

Metternich's imagination had no more than five metaphors at its command, all relating to the danger of revolution, and all by this time well known to the diplomatic world: the volcano, the plague, the cancer, the flood, and the conflagration. This time the volcano opened the ball. "Europe is sleeping over a volcano," began the memorial dolorously; "the whole vicinity of France is still covered by the lava-masses of the first revolution, and the so recently re-established principle of legitimacy is already threatened once again . . . The task seems to have been too difficult for mortals; it is within God's competence alone to rule the world, and by a single act of will to establish firm and inviolable laws." Of the revolutionary states, France, Italy, Spain, and Germany, it still seemed to the Austrian that Italy was the happiest land—and this a few weeks before the revolution broke out in Naples. In Italy, he said, thanks to the wisdom of the governments, tolerable quietude prevailed. Among the conservative powers, Austria naturally occupied the highest place in his esteem, for this state "guards against its neighbours the privilege of its ancient laws, the force of its variegated composition (la force de ses subdivisions), and the power of tradition." With the aid of his image of the conflagration he passed from this gloomy description of existing conditions to draw yet more tragical conclusions. "In conflagrations it is often impossible to save the burning buildings, and our precautions must be restricted to attempting to prevent the spread of the fire." There followed an assurance whose use by Metternich seems well-nigh incredible. The history of all nations taught "that foreign intervention has never prevented or regulated the effects of a revolution, except perhaps where very small countries are concerned." At the moment, therefore, the only course was to establish a firm moral bond between the courts, to continue an active interchange of ideas, to take common precautions against the spread of false doctrines. A shower of flattery for Czar Alexander brought the document to a close. This could not conceal from the czar that Austria was for the time being unwilling to interfere in Spanish affairs. Since the court of Vienna made a formal declaration to this effect on June 5th, and since Prussia replied in the same strain in the beginning of July, Alexander had to abandon his design. Through the favour of her geographical position and through the weakness of France, Spain was temporarily safeguarded from attack.

The peaceful mood of the Viennese court was suddenly and

completely transformed when on July 22nd tidings came of the beginning of the Italian revolution, terrible news whose effect was all the greater because the Austrian envoy in Naples had just reported that everyone there was incensed at the folly of the Spanish rebels.[1] All the unctuous asseverations that God alone ruled the world and that foreign intervention was never effective in stemming a revolution, were now forgotten. In a vociferous article, the *Oesterreichische Beobachter* announced to loyal subjects that the spirit of corruption had overpowered a happy and wisely governed country, and Metternich forthwith declared to the Prussian envoy his fixed determination to subdue this rising at all costs.[2] Not merely did he see that Austria's power was threatened in one of her two mid-European bulwarks, but he was able in addition to lay stress upon the breach of treaties, for the Italian Bourbons, in the secret treaty of Vienna of June 12, 1815, had promised to make no change in their ancient monarchical institutions. He prepared his counterstroke with indefatigable zeal. Not even the loss of a second daughter, which occurred this spring, could paralyse his energies, although in domestic life he was not devoid of feeling, and the second affliction cut him to the heart. Owing to the lamentable condition of the army and the finances, the military preparations went forward very slowly; many weeks passed before the garrisons in the disturbed regions of northern Italy had been adequately reinforced, and not until months had elapsed could the crusade against southern Italy be hazarded. Metternich could not fail to know this, but in his case falsehood had become second nature, and he could not refrain, even in a private letter where the lie was utterly purposeless, from boasting of the quiet but speedy advance of Austria's equipments. At Leipzig, he continued, this modest old Austria had placed two-thirds of the allied army in the field—whereas in reality there had been no more than about 100,000 Austrians among the forces of the allies, numbering 255,000 in all. As a worthy close to his self-praise, he added, "but we puff our wares poorly!"

Yet what mattered it if the military preparations were somewhat delayed? The issue of a war against Naples was all the less dubious inasmuch as the feeling of the great powers was in favour of the Austrian plans. At all the courts the Italian revolution was from the first judged far more severely than the Spanish rising, if only for the reason that the government of Naples was in far

[1] Krusemark's Report, May 8, 1820.
[2] Krusemark's Report, August 2, 1820.

better odour than the universally despised Madrid camarilla. Amid the competing interests and mutual jealousies of our society of states, it is only by the accomplished fact that any nation can establish its right to existence and enforce respect from its neighbours. Since the edifice of the Vienna treaties was founded upon the political nullity of the two civilised nations of southern Europe, the statesmen of this generation continued for decades to regard it as an article of faith that the Italians were utterly incompetent for national independence. Unfortunately the Prussian diplomats also did their best to foster this universal prejudice, ignoring that all foreigners, for the like reason, passed the same unamiable and unjust judgment upon the political capacity of the Germans. Although the disturbance at Naples originated among the possessing classes, the English envoy described it as an uprising of the mob against property. In Rome, Niebuhr was so profoundly disgusted by the demagogic wiles of the carbonari, that he compared the revolt to a negro rebellion, and could not find terms strong enough in which to describe the bestiality of these Italians; even his youthful secretary, Bunsen, opined that genuine freedom was inconceivable among this debased people.

Much trouble was created, in especial, by the conduct of Francis, crown prince of Naples, whom Ferdinand, desiring to reserve his energies for the hour of retribution, had appointed regent. The son was worthy of the father; he wore the carbonari colours and played the part of popular prince solely in order to effect more securely the destruction of the liberals. Abroad, however, the double game of the successor to the Bourbon throne was not yet understood. He was regarded as a friend of the liberal crown prince of Bavaria, and a despatch by the accomplished prince Christian of Denmark (who had been present in Naples during the disturbances and had accurately estimated King Ferdinand's character) gave definite assurance that Francis held serious constitutional views, and had not adopted his present course from weakness.[1] What a prospect if a young king animated by liberal sentiments were to place himself at the head of a national movement of the Italians! But the most sinister phenomenon in the revolution was the power of the secret societies, which on this occasion was so strikingly manifest; nothing seemed clearer than that the terrible conspiracy had ramifications extending into

[1] Despatch from Prince Christian of Denmark, Naples, July 11, 1820. The addressee was probably the king of Denmark, but the document went the round of the courts.

France, Germany, and England.[1] Consequently all the five powers considered vigorous intervention essential, and none of the others contested the right of Austria, as the one especially menaced, to take the lead in the movement.

The envoys of the new Neapolitan government were not received by any of the five courts. The king of Prussia (whose example was followed by Emperor Francis) left unopened a despatch from King Ferdinand announcing the change that had been effected, and Bernstorff declared that his Sicilian majority would some day have good reason to thank the king of Prussia for this. To strengthen the courts in their abhorrence, Metternich circulated among them the report of his private conversation with the revolutionary envoy, Prince Cimitille. How formidably had he hectored the poor fellow, how artfully had he utilised the third of his favourite metaphors, the plague. Against a country thus devastated with the plague, he said, all its neighbours were compelled to establish strict quarantine; the only hope was that the honest men in Naples should beg their king to resume the reins of government. "Try General Pepe by court martial, and you can count on the support of 100,000 Austrians."[2]

On July 25th, the lesser German governments were informed that Emperor Francis, who was pledged by treaties to supervise Italy, had determined in the last resort to suppress armed rebellion by force, and that meanwhile he reckoned upon absolute repose in Germany. The exhortation was hardly needed. The petty states remained blamelessly dutiful, the majority from dread of the revolution, and the remainder from fear of the great powers. The king of Bavaria expressed his indignation with the Jacobins of the south just as fiercely as did the elector of Hesse, who repeatedly offered the use of his troops for the campaign against the Italian rebels. The carbonari had had great hopes of the court of Stuttgart, for the fabulous report of Swabian freedom had made its way into the distant south. Two Neapolitan agents came to Stuttgart to swear friendship with free Würtemberg and to study its institutions. But Wintzingerode turned them the cold shoulder, dryly observing: "We have nothing to expect from Naples, but much from the great powers." The new Neapolitan

[1] See, for example, the Mémoire de la cour de Prusse, October 7, 1820, designed for the courts of Paris and London.

[2] Ministerial Despatch to Krusemark, September 9; Conversation between Prince Metternich and Prince Cimitille, lithographed for the allied powers, September, 1820.

government was regarded with contempt by the society of states, and in all Europe was recognised by only two powers. One of these was the untrustworthy court of Brussels, which received in consequence a sharp reproof from Czar Alexander. The other recognition was secured from Madrid, where the government was of like mind with that of Naples; the triumphal progress of the Cortes constitution had aroused an outburst of joy, Spanish pride was exuberant, and the radical parties gained fresh courage.[1]

The views of the great powers diverged widely, however, concerning ways and means for the overthrow of the revolution. Austria would fain have a free hand for her negotiators and for her arms, in order to secure the re-establishment in Naples of the old conditions, as specified by the treaties; it would be best therefore from her point of view if the co-operation of Europe, with which she could not entirely dispense, were restricted to "moral support," if the envoys of the great powers in Vienna, like those in Paris at an earlier date, should meet in permanent conference, and, while Austria alone actively intervened, should sustain her with their unauthoritative counsels. The Prussian court, which from the first contemplated the Italian question through Viennese spectacles, shared this opinion. "More than ever the cause of Austria is now the cause of united Europe," wrote Bernstorff as early as August 12th, and Niebuhr immediately received instructions to come to an understanding with the Austrian envoy in Rome. Everything must be avoided which could in any way hinder the avenging arm of the Hofburg in Italy.[2] It is true that Prussia's attitude was not dictated solely by friendship, but also by a sober political consideration which for months to come remained hidden from the court of Vienna. On no account would the king have his exhausted state burdened with new duties; not a man nor a thaler was he willing to sacrifice to these southern complications. Prussia would come most safely out of the game if Austria were granted a perfectly free hand in Italy. The English government, too, would now gladly have prevented any formal agreement among the great powers, for not even Metternich could desire to subdue the revolution more earnestly than did Castlereagh, and since European intervention could not be safely

[1] Hänlein's Report, Cassel, December 17; Küster's Reports, Stuttgart, September 23 and November 25; Capodistrias to von Phull, Russian envoy in Brussels, October, 1820.

[2] Ministerial Despatches to Krusemark, August 12, 19, and 30, and September 9, 1820.

proposed owing to the difficult temper of parliament, the tory cabinet wished that the chastisement of the carbonari should if possible be left to the Hofburg alone. To the ancient ally of the house of Lorraine, the circumstance that this would serve to reinstate Austria's power in the peninsula could not but be welcome.

To the court of the Tuileries this danger seemed all the more serious. Richelieu, too, execrated the revolution, which was directed against the cousins of the Most Christian King, but no minister of France could assist in strengthening the preponderance of Austria in the south; and who could stand security that England would not avail herself of the Italian complications to instal herself once more in Sicily? Consequently, in the first days of August, Richelieu proposed to the Hofburg the summoning of a European meeting, after the prototype of the congress of Aix-la-Chapelle.[1] In a circular to the great powers, Austria rejected the suggestion, on the ground that the proposed conference would merely waste time and would alarm the English court (August 28th). The cabinet of St. Petersburg, on the other hand, ardently espoused Richelieu's idea. The czar was still dominated by his dream of a great Christian league. He hoped that if the high tribunal of Europe should assemble, the revolution might perhaps be subjugated in both the peninsulas, but also that Austria's peculiar power might be bridled, and that alike in Naples and in Madrid a moderate regime might be installed under the supervision of the great powers. Alexander had not yet completely discarded the liberal ideals of earlier years; he anticipated that the radicalism of war, if matters once came to blows, would almost inevitably lead to a vigorous reaction in both the peninsulas, and his soft nature rose in revolt against such an outcome. Since the Hofburg held to its refusal, the czar finally had recourse to a means often tried before, and in an affectionate letter to the king of Prussia begged his royal friend not to refuse this heartfelt wish. Frederick William was rarely able to withstand an emotional appeal, except where questions of conscience were concerned. He agreed to the summoning of a meeting, though very unwillingly, and without any change in his personal opinion regarding the Italian question.[2] Metternich had now also to give way if he wished to avoid affronting the czar, and since Alexander was in Warsaw on account of the diet, the three monarchs agreed to meet in the middle of

[1] Bernstorff's Instruction to Krusemark, September 17, 1820.
[2] Krusemark's Report, Vienna, August 5, 1820.

October in the conveniently situated Troppau. Like the Netherlands under William III, Austria now constituted the centre of gravity of the society of states, and just as in those days all the great congresses, from that of Nimeguen to that of Utrecht, had been held upon Netherland territory, so during this epoch it became the rule that the masters of Europe should assemble round Emperor Francis, in the latter's crown-lands.

To the western powers the change of plans of the three rulers seemed extremely inopportune. Richelieu was terrified at the consequences of his own proposal, for he began to perceive what a distressing role the two constitutional courts of the west would have to play in Troppau beside the three eastern powers. But it was too late to withdraw. In his perplexity he adopted an unfortunate half measure, resolving that at least he would not put in a personal appearance at the congress. Castlereagh, who was detained in London by the queen's trial, commissioned his brother Lord Stewart, British envoy in Vienna, to follow Emperor Francis to Troppau. In case of need this step could be excused to parliament, and Metternich was not left in doubt regarding the real opinions of his British friends, for they selected this as the moment in which to send a fleet to Naples for the protection of the royal family. Whilst the three potentates of the east with their leading ministers thus appeared in person at Troppau, England was represented only by a statesman of the second rank, an insignificant and crotchety eccentric. The perplexity of the French court was reflected almost more conspicuously in the choice of its representatives. What could the sagacious and upright Comte la Ferronays, a man animated by straightforward constitutionalist sentiments, hope to effect at Troppau, when he appeared merely as subordinate to the marquis de Caraman, his declared political opponent, a man closely associated with the ultras. Thus from the first the position of the western powers was feeble and insecure. It was only the two German courts which knew precisely what they wanted, namely, the destruction of the revolution by Austria alone.

Czar Alexander also had occasion before long to feel this superiority of a definitely conceived aim. The czar willed the end without willing the means; he vacillated once more between the councils of Nesselrode and those of Capodistrias, and the experiences he had just been through at the second session of the Polish diet were hardly likely to strengthen in him the force of resolution. What a repulsive spectacle of political folly had been displayed!

A whole series of well-designed laws had been rejected amid crazy speeches; the galleries had been filled with noisy and threatening students; the country was permeated by the impalpable and yet universally perceptible activities of the nationalist freemasons; while the new national army was simply a gigantic conspiracy. The infatuated populace drove irresistibly forward towards a new revolution. Nevertheless Alexander would not abandon the hope that liberty would find a home here under the pinions of the white eagle. He closed the sittings of the barren diet with a few reproachful yet amiable words. "You have," he exclaimed to the delegates, "received good for evil. Poland has re-entered the ranks of the states. I shall adhere firmly to my intentions. Consult your own consciences and they will tell you whether you have rendered your country the services which it expected from your wisdom." He immediately despatched this address from the throne to the embassies, with an autograph circular, once again extolling constitutional institutions, such as were demanded by the almost unanimous wish of the nations. For all that, the harassing affair rankled. Although Alexander by no means fully trusted the Viennese court, he gave an extremely cordial reception to Lebzeltern, who came to Warsaw with confidential proposals from Emperor Francis. Through the instrumentality of Capodistrias, he let the Hofburg know how great were the blessings he anticipated from the harmony of the powers. "Twice before, the nations and the princes have had occasion to bless the league of the most mighty of rulers; this time they will do the same." He simultaneously begged the English government to participate in the meeting with perfect confidence.[1] For the time being he no longer thought of intervention in Spain, since he recognised that the scope of the congress must at first be restricted to Italy.

Such was the situation when, on October 20th, the representatives of the powers came together in the quiet capital of Austrian Silesia. Here, in the out of the way valley of the Oppa, it was possible for the congress to devote itself exclusively to business, secure from interruption by all the quidnuncs and place-hunters who had thronged round the monarchs at Aix-la-Chapelle. With the coming of the autumn rains a certain provincial tedium became apparent. Except for the accomplished Countess Urban, a friend

[1] Capodistrias to Metternich, Warsaw, September 26 (October 8); to Prince Lieven in London, September 26 (October 8), 1820.

of Gents, a lady was rarely visible in the salon of the hopelessly ugly castle, and most of the assembled statesmen considered they were making great sacrifices on behalf of an important cause by enduring for week after week the monotony of this diplomatic conventual life. The representatives of the western powers persistently maintained so timid a reserve that, from the first common action on the part of the five courts seemed almost impossible. Lord Stewart had been commissioned by his brother to confine himself wherever possible to the formal noting of resolutions, for the English government did not consider the provisions of the great treaty of alliance applicable to the Italian question.[1] He refused in the very first sitting of October 27th to subscribe to the minutes, and the congress had to make shift with a journal kept by Gentz. Consequently there were but few formal sittings.

Decisions were reached through confidential conversations, and Metternich's perspicacity led him at once to formulate a definite aim, shortly after the opening of the congress, by saying to the Prussian chancellor: "We, the eastern powers, must take the lead, since we are all agreed in matters of principle; we must lose no time over negotiations which can subserve no purpose, either in London or in Paris."[2] Thus the primary aim was to win over the czar completely to the Austrian view, and to secure a unanimous decision on the part of the three freest and healthest states (as Metternich termed the eastern powers). If this could be effected, it seemed at least possible to obtain the tacit assent of the two other cabinets, which were fettered by parliamentary considerations. Prussia contented herself with the modest role of mediator between the two imperial states. To the king, in the gloomy mood which now dominated him, the constraints of courtly society seemed even more intolerable than of yore; it was with manifest reluctance that he made his first appearance at Troppau as late as November 7th, and he speedily alleged indisposition, to enable him to quit the congress a fortnight later. Bernstorff was kept in bed by an attack of gout; while Hardenberg, far more concerned about his Prussian affairs than about the Italian contentions, confidingly left the leadership of the discussions to his Austrian friend, without dreaming of the suspicion with which he was himself regarded by Metternich.

Metternich's hour had now come, the hour for the display

[1] Castlereagh, Instruction to Stewart, October 15; Hardenberg's and Bernstorff's Report, October 27, 1820.

[2] Hardenberg's Diary, October 25, 1820.

of all his diplomatic astuteness. Some days of arduous labour were requisite before, in repeated private conversations, he had been able, to some extent, to undermine the czar's preference for the liberalising Capodistrias. The Austrian still regarded this Greek as "an utter fool"; the reciprocal hatred of the two statesmen led the differences of opinion between the imperial powers to appear greater than was really the case. To prove his devotion to the czar, Metternich hastened to bring forward the old and cherished plan of St. Petersburg policy which the Russian statesmen had recommended to the allied powers at Aix-la-Chapelle and on several subsequent occasions, offering to subscribe a European treaty of guarantee, in accordance with which all the sovereigns should mutually undertake to maintain the *status quo* against any forcible disturbance whether from within or from without, so that the visionary Holy Alliance could at length acquire a tangible content.[1] But the unimpassioned Austrian wished to see the practical question of the moment, that of intervention in Naples, decided first of all, whereas the leading desire of the imaginative czar was to perfect the structure of his Holy Alliance before proceeding to apply to Italy these new principles of international law.

In the first conference Metternich read several letters in which King Ferdinand of Naples described his difficult situation in vivid colours, and entered a formal protest against the compulsion to which he had been subjected. The prince who had just sworn fealty to the new constitution and had invoked lightnings in case of disloyalty, now declared that he had been forced to open parliament with a knife at his throat. Even among these biased auditors, such shameless duplicity aroused general disgust, and the conference resolved that the letters should not be recorded in the journal, "lest the unhappy king should be yet more gravely compromised." This was followed by the reading of a long Austrian memorial which cited the secret Viennese treaty of 1815. Metternich's intention was, with the assent of the allied powers, to come to the assistance of the king who had just explained that he had acted under compulsion, to occupy Naples, and then to allow the Bourbon ruler to restore order under the protection of Austrian arms. What mattered it to Metternich that the Neapolitan minister, the duke of Campo-Chiaro, had four weeks earlier assured von Menz, the Austrian chargé d'affaires, that his government would be delighted to see the

[1] Bernstorff's Report, October 21, 1820; Vide supra, vol. III, p. 114.

insolent radical sects cowed by the great powers? In Metternich's eyes the Muratic-constitutionalist sect which now sat in the Naples cabinet was no better than the carbonari.[1] This opening made a painful impression. The Prussians alone agreed with Metternich. The other plenipotentiaries maintained an embarrassed silence, for the secret Viennese treaty had hitherto been entirely unknown to the French court, and probably also to that of Russia; and by appealing to this treaty the Hofburg gave clearly to understand that Austria regarded Naples as a dependency, and that she did not contemplate the establishment of a moderate government in this region, but the restoration of absolutism, of "the ancient monarchical institutions. On November 2nd, the czar replied to the Austrian memorial. He considered it repulsive that the great powers should pay any attention to the complaints of the perjured Bourbon ruler, and he desired by a proclamation to allay the anxieties of the Neapolitans concerning their political independence. In any case it was essential to avoid giving ground for the belief that intervention was suggested, not for the sake of Europe, but for the advantage of one single power.

The Prussian statesmen were not slow to divine how little power of resistance there was behind this well-meaning scruple; they zealously continued their efforts at mediation, and on November 6th Bernstorff, who was still indisposed, had the satisfaction of witnessing at his bedside a tolerably complete reconciliation between the statesmen of the imperial courts. Next day, Russia declared her essential agreement with Metternich's plans, and henceforward the representatives of the three eastern powers engaged in confidential negotiations from which the western powers were excluded. Austria, Germany, and Russia were not yet fully agreed as to terms. The czar once more offered to attempt mediation in Naples, but the two German powers rejected the proposal, on the ground that Russia must throughout act hand in hand with her allies (November 10th). After the Russians had left the room, Metternich astonished his Prussian friends by a fresh suggestion, designed to build a golden bridge for the czar.[2] How would it do to invite King Ferdinand to appear in person before the congress? Should his ministers not allow him to come,

[1] Austrian Memorial, October 23; Menz's Report Naples, September 28, 1820.

[2] Prussian Memorial, October 28; Russian Memorial, November 2; Hardenberg's and Bernstorff's Report, November 4; Bernstorff to Ancillon, November 8; Hardenberg's Diary, November 7 and 10, 1820.

it would be manifest that he was under duress, and the intervention of the Austrian army would be justified before all the world; but should he accept the invitation, he could reconcile his unfortunate country with the European powers.

What an idea! This perjured Bourbon, despised by all the members of the congress, the man who had just passionately accused his own subjects before the great powers, was to play the part of mediator between his country and Europe! Yet the cunning plan proved ingratiating through its assumption of the mask of benevolence. It had so philanthropic a sound; and moreover, to decide the future of Naples in co-operation with the sovereign especially concerned was in literal accord with the stipulation of Aix-la-Chapelle.[1] Utterly blinded by hatred of the revolution, the courts hardly noticed that Metternich's "non-partisan proposal" was tantamount to hearing only one side of the case. To the dramatic inclinations of the founder of the Holy Alliance, it was an alluring idea that the high assize of Europe should solemnly cite a king before its bar. But King Frederick William and his advisers inconsiderately agreed to participate in the farce of a proceeding which was utterly preposterous from the standpoint of international law, and the like of which would never for a moment have been tolerated by Prussia herself. It is the curse of great political assemblies that they blunt the sense of justice, because responsibility for action is so widely distributed; parliaments and diplomatic congresses are far more likely to act unscrupulously than are individual statesmen. Since the Prussian court would not in any case share directly in the intervention in Naples, it was not considered necessary to make strict enquiry regarding the uprightness of the proposed measure.

In fine, first the Prussians and then the Russians approved the Austrian suggestion, and a good understanding having thus been secured, vigorous preparations were made for common diplomatic action on the part of the eastern powers. At this juncture, on November 15th, the czar received tidings from St. Petersburg that the celebrated Semenoff regiment of the guard had refused to obey the orders of its detested colonel. The mutiny was quite devoid of political significance, and General Witzleben acted with his usual good sense when he advised Alexander, in order to avoid the recurrence of such breaches of discipline, to ensure that the soldiers should be more humanely treated, and

[1] Vide supra, vol. III, p. 109, et seq.

to put an end to the dishonesties of the army administration. In the newspapers, however, the affair was represented to be a dangerous conspiracy, and since for the last two years the czar had with good reason been suspicious about the morale of his army, he was profoundly disturbed by this distressing intelligence, and his anti-revolutionary sentiments were correspondingly reinforced.[1]

On the 19th, the eastern powers came to an agreement regarding a provisional protocol, which opened with the momentous sentence: "States in which a change of government has taken place in consequence of revolt, and when the consequences of this change threaten other states, spontaneously cease to participate in the European alliance, and remain excluded therefrom until their situation offers guarantees of legal order and stability." If, continued the protocol, as a result of such changes, direct dangers for other states should ensue, the powers pledge themselves "to lead back the guilty state into the bosom of the Grand Alliance," either by peaceful means, or, in case of need, by force of arms. How great had been the advance in two years along the downward path of reaction! What hostility had this legitimist party doctrine aroused even at the congress of Aix-la-Chapelle, when first enunciated there in Ancillon's memorial. But now it was eagerly accepted. The eastern powers actually proclaimed that the Grand Alliance did not desire to defend the right against all assaults—but merely to protect the thrones against revolt; how terrible must be the increase of radical bitterness as soon as the world came to realise that the great league on behalf of the peace of Europe had degenerated into a league of the princes against the peoples. To the doctrinaire preliminaries, succeeded the practical conclusion that an Austrian army was to enter Naples in the name of the powers, but "for the sole purpose of restoring freedom to the king and to the nation." Next day, in identically worded despatches from the three potentates, King Ferdinand was invited to appear before them in Laibach, for the congress

[1] According to a legend which has been again and again repeated, and which has been adorned with numerous romantic details, Metternich was the first to receive the news from St. Petersburg, and by making adroit use of it was able to take the czar by surprise and thus win him over to the Austrian designs. But since the publication of Metternich's Posthumous Papers it has become necessary to regard this story as fabulous. Metternich himself tells us (vol. III, p. 355) that the czar was the first to inform him of the affair, and the Austrian treats it as of little moment. Besides, the understanding between the imperial courts was substantially secured at an earlier date, on November 6th and 7th.

was to remove thither in the interim, in order to be nearer to the arena of revolution. The Austrians scarcely doubted that the Bourbon would accept the invitation, but should the worst come to the worst the chargé d'affaires in Naples was to declare that the monarchs held every individual Neapolitan responsible for the safety of the royal family.[1]

All this was effected without the collaboration of the western powers. They were fobbed off with the consolation that the rapid procedure would facilitate their subsequent participation. The position of the English and French plenipotentiaries became more mortifying day by day ; in actual fact, as Tierney mockingly declared in parliament, they resembled the strangers in the House of Commons who had to withdraw whenever a division was taken. The protocol of November 19th was in truth an insult to England, for the modern English constitution was itself the outcome of a "revolt," and the right of the house of Hanover to the throne rested upon the revolutionary principle that the lawful king, James II, had broken the original contract between prince and people. The eastern powers went on their way regardless of the ill-humour of the constitutional courts. They spoke of themselves as "les puissances délibérantes," and announced to the minor courts, in a pompous circular which speedily found its way into the newspapers, all that had hitherto been effected at the congress, declaring that every change of government resulting from revolt was a breach of European treaties, and expressing a confident expectation that the western powers would make common cause with them. The French court did, in fact, hesitatingly, begin to follow in their tracks, for King Louis also decided to invite his Italian relative to travel to Laibach. Ferdinand, for his part, joyfully accepted the invitation of the powers, and the effusively grateful tenour of his answer manifested very clearly all that was in his mind.

Many serious obstacles had still to be overcome, even within the narrower league of the three courts. The czar desired, above all, to avoid bloodshed. He was inspired with compassion for the Neapolitan people, for these, like their king, had been enslaved by the despotic power of the revolution ; and he therefore recommended that the misguided men should be once more admonished by the pope, since the great powers could not personally treat with this revolutionary government. Faithful to the traditions of

[1] Protocole préliminaire, November 19 ; three Instructions from Bernstorff to Ramdohr in Naples, November 22 ; Hardenberg's Diary, November 19, 1820.

Russian policy, which had ever been friendly to the petty Italian states, he went on to demand that Piedmont, Tuscany, and the pope should also be invited to send plenipotentiaries to Laibach. Willingly or unwillingly, Metternich had to accede to both these proposals, if only for the reason that Austria could not possibly accept the kindly offices of the court of the Tuileries, which had just proposed mediation. On December 12th, therefore, the two emperors wrote personally to the pope (the king of Prussia had meanwhile returned home), and from the wording of their letters the conflict of views was plainly perceptible. Emperor Francis expressed the expectation that the spiritual arm would assist the secular arm in chastising the revolution; Czar Alexander hoped that the spiritual exhortations of the prince of the church might effect a reconciliation between the Neapolitans and the great powers. Metternich and his Prussian friends foresaw the inevitable failure of this strange proposal for mediation, and the folly of the southern radicals justified their anticipations.[1]

The cause of the liberals in Naples was not yet hopeless, for apart from Austria all the great powers, not excepting Prussia, desired that certain reforms should be effected in this distracted kingdom. Even at the Italian courts it was generally considered that at least certain vestiges of the Neapolitans' new institutions ought to be maintained.[2] Should the parliament in Naples, before it was too late, decide to adopt a reasonable fundamental law in place of the impracticable Spanish constitution which was inacceptable to the great powers, a reconciliation might still be possible. But the news from Troppau provoked a fierce outburst of revolutionary passion. The chamber, intimidated by the threats of the carbonari, resolved to maintain its sacred charter as inviolable, and forced the Muratist ministers to yield place to a radical cabinet. While thus irreparably affronting the great powers, they simultaneously furnished these with a terrible weapon by permitting the king, who could not leave the country without their consent, to journey to Laibach—after he had, for the third time, solemnly sworn to uphold the new constitution. Such was the relationship between this ruling house and the people. King Ferdinand willingly acceded to the humiliating proposal, and

[1] Opinion of the Russian court regarding the means of reconciliation, November 24/December 6; Caraman, Comment on the Protocol, December 7; Letters from the two emperors to Pope Pius VII, December 12; Bernstorff to Niebuhr, December 13, to Count Truchsess in Turin, December 24; Hardenberg's and Bernstorff's Reports, December 1 and 6, 1820.

[2] Truchsess's Report, Turin, December 4, 1820.

the orators of the parliament assumed a belief in his word, desiring, by this pretended confidence, to discourage the great powers. The Austrian statesmen, however, perceived that now, as so often before, the southerners would overreach themselves in cunning, and that they would be outmatched by the brazen-faced Bourbon; the Austrians knew what line this triple perjurer would take in Laibach, and saw that the game was already half won.

Metternich did not fare so well with his proposals for the European treaty of guarantee. In a lengthy memorial of November 28th he first of all trotted out his fourth metaphor, the great flood, emphasising the necessity "of erecting at all costs dams against this revolutionary current, which threatens, if its progress be not restrained, ultimately to engulf everything." Consequently, lawful sovereignty must be placed under the guarantee of the European powers by a general convention, in accordance with which the powers would be justified in intervening without further parley whenever a revolution should be effected by the presumptuous exercise of force; but if the revolutionary change were brought about by the rightful sovereign himself, then intervention on the part of the powers would be permissible only if the change should endanger neighbouring states.[1] In essentials, this work served to give more precise expression to that which had been provisionally indicated in the protocol of November 19th. Meanwhile, however, the czar had become anxious regarding the consequences of his own proposal; he could not conceal from himself that neither the western powers, nor even the constitutional petty states of Germany, could subscribe to a convention which would subject their constitutions to the supreme jurisdiction of European congresses.

Alexander displayed so much concern that Metternich thought it advisable to bring up his heavy artillery. With the approval of Emperor Francis, and in profound confidence, he submitted to the czar his *Political Confession of Faith*, a verbose historical and philosophical dissertation upon the epoch of the revolution. How brilliantly and accurately at this very time did General Clausewitz, likewise a conservative opponent of the revolution, in his *Transformations, a Political Essay*, describe all the extensive changes in economic and spiritual life by which

[1] Austrian Memorial, Sur quelques mesures générales, etc, November 28, 1820. Many of these Troppau and Laibach documents have already been utilised by Gervinus, History of the Nineteenth Century, VII, pp. 783, et seq.

the centre of gravity of society had gradually been shifted downwards. How poor in comparison seemed the historical wisdom of Metternich, who on this occasion, utilised his fifth metaphor, that of the cancer, with as much persistence as if he had been a specialist in malignant tumours. The moral cancer, of course, had its real seat in the middle classes; it was solely out of the false philosophical doctrines of the old century, out of the inconsiderate reforms of its "enlightened" monarchs, out of the presumption of ambitious rascals, and out of the cancerous growth of secret societies, that the revolution had arisen. When in Italy as well as in Germany the frail pillars of the Viennese treaties had for some time been manifestly trembling before the onslaught of nationalist ideas, Metternich maintained in all seriousness that the doctrine of nationality had already been erased from the catechism of the liberal parties; the liberals were aiming at the destruction of all political and religious distinctions, at the release of the individual from all restraints; and on the day of revolution their two sections, the levellers and the doctrinaires, were always to be found standing shoulder to shoulder. When such passions were afoot it was impossible to dream of reforms, and all that could be done was to maintain the existing order; la stablité n'est pas l'immobilité. Such was the world as figured in the distorted vision of the man who at this very moment was boasting, "Were I upon the tribune of the Capitol, I should use very different language from that which I am able to permit myself in Troppau. I need wide spaces, and cannot do myself justice within small and narrow confines." A kindly destiny had placed him in one of the most fruitful epochs of world history; but to him the times seemed petty, because he was himself too petty to read its signs; and he complained, "To-day I have to devote my life to the support of crumbling edifices. I should have been born in the year 1900, and have had the twentieth century opening before me!" The gruesome historical images of the "Confession of Faith" were well calculated to influence the suggestible temperament of the czar. Nevertheless they did not entirely convince him. He insisted that a general treaty of guarantee could not but arouse mistrust, and that it was impossible to count on securing the agreement of all the powers. At his wish the unlucky idea, which he had himself been the first to moot, was finally abandoned.[1]

[1] Russian Memorial, December 5/17; Hardenberg's and Bernstorff's Report, December 20, 1820.

Not without concern did the court of Vienna look back upon the outcome of this second great meeting of the princes. How different now would have been its position before the world if boldness instead of cunning had held the tiller, if in August Austria had suppressed the revolution in Naples upon her own initiative, and had subsequently secured the approval of the great powers—an approval which would certainly not have been withheld had reasonable moderation been displayed. But the deplorable condition of the Austrian army had enforced postponement of a decision. It might still be possible within the next few months to make up for lost time, but Metternich's diplomatic victories had been purchased at a heavy cost. The old harmony of the Grand Alliance had been disturbed. From Aix-la-Chapelle the five powers had spoken to Europe with one voice ; the Troppau circular of December 8th was subscribed by the eastern powers alone, and the loudly expressed delight of the liberal press showed that the world understood the change in the situation. The French court, indeed, still vacillated helplessly between the two parties. While the ultras demanded the re-establishment of the Bourbon power in Naples, the opposition newspapers preached a crusade against Austria, and the latest coiffure of the Parisian ladies was known by the significant name of "chemin de Mayence." At Christmas, the French plenipotentiaries furnished a timid note, which sounded like a half assent to the course adopted by the eastern powers, but which reserved freedom of decision for the Most Christian King.[1] Simultaneously, however, a secret instruction had arrived from Paris, couched in far less friendly terms. Marquis de Caraman on his own responsibility communicated this despatch to Prince Metternich, and now it was possible for the Austrian to prove to the czar in black and white how little dependence could be placed upon the opinion of this double-tongued cabinet.

At length England showed her hand. On December 19th Lord Stewart read a note from Lord Castlereagh which declared in all friendliness, but with extreme definiteness, that England could not pledge herself in advance to the principles of a policy of European intervention, but held fast to her old opinion that when the general peace was endangered the powers must come to a free understanding in each case on its merits Hardenberg's comment in his diary apropos of this British note was simply,

[1] Note of the French plenipotentiaries, December 24, 1820.

"how petty!"[1] Upon the czar's initiative, a dignified answer was made to the English government, to the effect that the note had been placed on record. The eastern powers were in reality gravely disquieted, for they recognised that Castlereagh's cautiously worded refusal had driven the first wedge into the firm structure of the Grand Alliance. The fissure was as yet small, but a change of ministry in London could not fail to widen it. It was plain that the tory cabinet had yielded solely to the irresistible pressure of public opinion. All parties in the country were united like one man in condemning the Troppau circular; the whigs termed the league of the eastern powers a three-headed monster, and asked whether this apocalyptic policy aimed at the resurrection of the fifth monarchy of the puritans.

In the minor German states, the dictatorial attitude of the three powers was also regarded with anxiety. It was easy enough in Troppau to take prompt measures against the press of these lands. Hardly had the *Oppositionsblatt* of Weimar permitted itself a few pointed remarks about "those monarchs who were best provided with heirs," when the two German great powers complained. At the desire of Austria, the czar also gave a hint to his brother-in-law in Weimar, and the unlucky paper, which had been extremely docile since the issue of the Carlsbad decrees, was immediately suppressed.[2] A more serious matter was the ill-humour of the minor courts themselves. It could easily be foreseen that the royal author of the *Manuscript from South Germany* would be displeased by the news from Troppau. As early as the days of the congress of Aix-la-Chapelle he had secretly endeavoured to move the court of Brussels and some of the lesser German cabinets, to a joint protest; now court circles in Stuttgart toyed with the visionary prospect of a counter-congress of the lesser powers, to be summoned perhaps at Würzburg, but the inviting project did not get beyond the stage of animated discussion. Bignon, faithful champion of particularism, appeared once more in the lists, describing in a pamphlet upon the congress of Troppau how bright a day had dawned over Bavaria, Würtemberg, and Baden, and how dark in comparison appeared the eastern powers.

Even the loyal court of Carlsruhe was not free from mistrust of the great powers. Blittersdorff, the new federal envoy, the

[1] English Note, December 19; Hardenberg's Diary, December 19, 1820.

[2] Russian ministerial Despatch to Canicoff, chargé d'affaires in Weimar, October, 1820.

man who at the Vienna conferences had laboured so zealously on behalf of an increase in the authority of the Germanic Federation, had in Frankfort entered into confidential association with the Russian envoy Anstett, the friend of Capodistrias. Considering that the very existence of the minor German states was now threatened, in numerous and urgent memorials he impressed upon his court the need for the formation of a sonderbund. Endowed with too much sobriety to be intoxicated by the ambitious dreams of the *Manuscript from South Germany*, he judged the bastard existence of the middle-sized states with a modesty rare in these circles. "There is a sort of contradiction," he admitted, "in speaking of the policy of such a state as Würtemberg." This was felt in Stuttgart, and the endeavour was therefore made "to elevate the particular interests of Würtemberg to the level of a genuine policy." But he also regarded it as desirable that a union of the minor states, at least of those in South Germany, to constitute a common political system should be effected without a formal treaty of alliance. The five powers were "no longer pursuing a single aim"; this rendered it possible to the smaller states to maintain "the relative independence" which was their right, and thus to become "the cement of the system of states." [1] When an ultra-conservative centraliser made use of such expressions, what might be expected from the particularist liberals! For the moment this ill-feeling at the minor courts was harmless, but it might readily become dangerous should the dissensions in the Grand Alliance persist. When the Troppau conference terminated at Christmas, its members separated in a state of mind which was far from cheerful. The legitimist policy required strong nerves. At this season of general rejoicing, and during the prevalence of intensely cold weather, the two emperors and their diplomatic trains undertook the laborious journey to Vienna, intending after a brief rest to conclude in Laibach the difficult work of peace.

Nevertheless Metternich brought away from the congress two encouraging thoughts: he could definitely reckon upon a fortunate solution of the Neapolitan complication; and he was now almost certain that the dreaded Prussian constitution would

[1] Blittersdorff's Memorials: to Baron von Fahnenberg in Munich, November 16; Concerning the probable Outcome of the Congress of Troppau, November 24. 1820. Observations upon the present Policy of Würtemberg (undated, but unquestionably belonging to this period). Observations upon the Present Political Position of Europe, February 27, 1821.

not come into existence within any time that could reasonably be foreseen. When King Frederick William arrived at Troppau he was in a mood of depression which the Austrian could turn to his own account just as readily as he had formerly been able to do in Teplitz. The king was dissatisfied with the defective proposals for the communes' ordinance, and since the appearance of Benzenberg's writing he had been so much out of humour with the chancellor that during the congress Hardenberg was scarcely admitted to the king's presence. Hardenberg, it is true, had several serious conversations with General Witzleben, the faithful advocate of the constitution, discussing the composition of the future national assembly, the secret reaction at court, all the hidden obstacles in the way of Hardenberg's designs. But the king sent a dry message to the chancellor to the effect that he would not consider the affair of the constitution until after the return to Berlin.[1] Meanwhile Wittgenstein, the familiar of the Hofburg, was the monarch's daily companion, while Metternich secured a second devoted friend in the crown prince. This young man had come to Troppau a few weeks earlier than his father, to receive here his initiation into the high school of European politics. The Austrians had immediately taken possession of him, and he delighted the Viennese diplomats no less by his liveliness than by the soundness of his principles. He was himself enraptured by all the marvels of Christo-legitimist statecraft which he witnessed here, approving every step taken by the great Viennese magician, not excepting the invitation to the king of Naples. Hardenberg also endeavoured to come to an understanding with "his future master," sending the prince the documents relating to the design for a constitution, and inviting criticism, but the crown prince followed his father's example in referring the chancellor to the time of their return home.[2]

Notwithstanding this favourable posture of affairs, Metternich would not be misled into any incautious step. It is true that he held an unduly low estimate of the king's character, this being a part of his general contempt for everything Prussian. Nevertheless he had sufficient knowledge of Frederick William's simple nature to know that he could not venture to advise the king straightway to a formal repudiation of the pledge of 1815. For this reason, neither at the congress of Aix-la-Chapelle nor in the momentous Teplitz conversation had Metternich directly opposed

[1] Hardenberg's Diary, November 9, 13, and 20, 1820.
[2] Hardenberg's Diary, November 5, 8, and 11, 1820.

the design for a Prussian constitution, but had contented himself with counselling against the system of popular representation. Nor here in Troppau did he show his cards too soon, but he handed Count Bernstorff a cautiously worded memorial which he had probably shown the king in Teplitz the previous year.[1] This second Austrian memorial concerning the Prussian constitution referred to the Mémoire of Aix-la-Chapelle, and repeated for the most part the advice given in that document, but it was better expressed, while all the slips and blunders of the Aix memorial had now been removed. Diets of the estates were suggested for the provinces, and a general diet proceeding from the provincial diets, this being the very plan which Hardenberg had endeavoured to carry into effect five years earlier. The tone of the writing showed clearly enough that its author hoped to postpone, and even to prevent, the summoning of a general diet. How vague was the sentence: "If the interest of the state and of the administration should demand a centralised representation in direct consultation with the government, this can be constituted in no other way than by deputies from the provincial diets." The unsuspicious chancellor failed to see the snare.[2] He did not know how dangerous a game was being played behind his back.

No precise information is available regarding the confidential conversations which the king held in Troppau with the two emperors and with Metternich, but the upshot showed that the Austrian had known where to insert his lever. His plan was to postpone the Prussian constitution to the utmost, in the hope that the long procrastinated undertaking would at length be entirely abandoned. How easy was it, almost child's play, to secure this end, now that the king and the heir to the throne were both extremely critical of the proposals for the communes' ordinance; how obvious was the idea that this defective first portion of the constitutional design should be seriously reconsidered. It was in this sense, doubtless, that Metternich expressed himself at the congress, and it was merely necessary for him to strengthen the king in a resolve which the latter had ere this probably formed.

On December 19th, shortly after his return from Troppau, the king commanded the appointment of a new committee to examine these proposals.[3] Beyond question the proposals

[1] Published by E. Bailleu, Historische Zeitschrift, 1883, pp. 50 and 190 Details regarding the date of origin of this memorial will be found in Appendix VII.

[2] Hardenberg's Diary, December 31, 1820.

[3] Cabinet Order of December 19, 1820.

required a thorough redrafting, but the composition of the new committee showed that the redrafting was not to be effected in accordance with the desires of the chancellor. This was the fourth committee formed to take part in the unhappy constitutional struggle, the other three still remaining in existence. The crown prince was chairman ; Wittgenstein, Schuckmann, Ancillon, Lord-Lieutenant Bülow, and Cabinet Councillor Albrecht, were the members, all feudalist or absolutist opponents of Hardenberg. Under the leadership of the heir to the throne the two parties of the conservative opposition had thus secured an initial victory over the chancellor. A few days after this decision had been taken, Metternich sent to Wittgenstein from Troppau (December 24th) a memorial intended for the king, once more recommending the summoning of provincial estates and a central assembly constituted from these.[1] In a covering letter, the Austrian recommended the formation of a new committee " composed of enlightened and loyal men devoted to the genuine monarchical principle " ; this committee should examine " the communes' ordinance, which is inseparably connected with the said principle."[2] The advice came to hand after it had been adopted, and we may readily infer that at the congress Metternich must already have spoken in the same sense.

The king did not even think it necessary to give the chancellor, who was still at Troppau, any official intimation of what had been done. Hardenberg had completely forfeited the king's confidence, and was retained in office solely because Frederick William did not desire to inflict too profound a humiliation upon a man who had performed such great services. The issue was easy to foresee. The fate of the communes' ordinance was sealed. As soon as this lay in ruins, a long respite would have been secured, and then it might be possible for those who had destroyed the foundations of Hardenberg's constitution to erect a feudalist edifice after a new design.

§ 3. THE CONGRESS OF LAIBACH. THE GREEK WAR OF INDEPENDENCE.

How different was the greeting which this new year gave to the chancellor compared with that which he had received from

[1] Cf. p. 503, note 1.

[2] Published by A. Stern, Forschungen zur deutschen Geschichte, pp. 26, 321. Further details in Appendix VII.

the year that had just closed. Then, filled with youthful confidence, he had ventured to anticipate that he would put a finish to his life's work with the establishment of the Prussian constitution; now he began to be aware that a tragical doom was hastening to overtake him. Humboldt, Boyen, and Beyme, the only real friends of his constitutional plan, had quitted the ministry, and the reactionary party which had helped him to effect their overthrow was now threatening to overwhelm him also. At the new year, in Vienna, he received a command through Wittgenstein to accompany Bernstorff to Laibach; the king, who found the busy idleness of congress life more repulsive the more he knew of it, would not leave Berlin. The aim of these orders could not remain hidden from the chancellor, all the less when he learned from Bernstorff that it was Ancillon who had induced the king to adopt such a decision. It was plain that the crown prince's party desired to keep the originator of the constitutional design far from the monarch and from the capital for so long as the decision regarding the communes' ordinance still hung in the balance. Obviously mortified, Hardenberg replied on January 5th that Frederick William's absence would certainly be misinterpreted, but if the king would not appear in person, the chancellor's presence would be needless, whether as regards influencing opinion or as regards the real business in hand. Count Bernstorff, who had now fully recovered his health, was entirely competent to deal with the affairs of the congress, which concerned Prussian interests no more than indirectly. He urgently begged permission to return to Berlin, "so that I may render your majesty the trifling services which still remain within my power." There the constitution, the communes' ordinance, and many other important proposals, were awaiting his attention. "I should indeed like to have the carrying out of these subjected to further exhaustive consideration, but, so long as your majesty continues to honour me with your confidence, I am unwilling that they should be entrusted for execution to various hands outside my own direction." [1]

Nevertheless he obeyed the king's command, and did not venture, after such a proof of royal disfavour, to beg that he might be allowed to resign. Instead of staking his office against his constitutional plans, he allowed himself to be pushed on one side into a subsidiary position ill-fitted for a leading statesman,

[1] Hardenberg to the king, Vienna, January 5; Hardenberg's Diary, January 1, 3, and 4, 1821.

consoling himself with the hope that by tenacity he would be able to outweary his opponents. The last cheerful flicker of his old vigour in the previous spring had exhausted his energy of will. He was overcome by the weakness of age, but could not make up his mind to relinquish the office which had become a part of his very life, or to abandon the semblance of power. He journeyed obediently, to Laibach, finding there that Prussian policy was so little involved that four weeks later he found it possible to write home that the king's presence had now become quite superfluous.[1]

The members of the congress reassembled at Laibach during the first days of January. This charming town, encircled by the snow-capped mountains of Carniola, was certainly a more agreeable place than the dull Troppau ; but to those accustomed to the life of great towns, their stay here necessarily seemed a corvée, nor did the political cares which had troubled the closing days in Troppau speedily disperse. For meanwhile, just as the Troppau assembly broke up, Lord Stewart had received a yet more strongly worded despatch from his brother, under date December 16th. Castlereagh decisively rejected the principles of the Troppau protocol, declaring himself "horrified at the very idea of admitting in a formal charter that the Grand Alliance could rightly claim to exercise so unprecedented an authority" ; and he entered a solemn protest against the possibility that these principles might ever, "under any conceivable circumstances," be used against England herself. On January 19th, he sent a third despatch to the envoys at the minor courts, wherein he once again rejected the Troppau principles as opposed to the laws of England. The right of intervention, said this document in conclusion, must be expressly demonstrated in each particular case, and could only accrue to a state directly concerned, and upon the ground of peculiar circumstances.[2] Meanwhile the English parliament was resounding with fierce speeches against the Grand Alliance. Lord Grey and Lord Holland showed how irreconcilable with the English traditions of insular independence was the existence of a league of princes which desired to control the internal affairs of all the states ; while, amid whig jubilation, Mackintosh exclaimed that after the Troppau conversation it might

[1] The king to Hardenberg, January 31 ; Witzleben to Hardenberg, January 31 ; Hardenberg to the king, February 6 and 8, 1821.

[2] Castlereagh to Stewart, December 16, 1820 ; Castlereagh to the embassies, January 19, 1821.

well some day come to pass that Croats and Cossacks would enter Hyde Park as members of a European police force.

Many of the minor courts, which had in truth good reason to tremble for their independence, might well read these speeches with quiet satisfaction; but only one of them, that of Stuttgart, ventured to thank the English government, and even then with extreme circumspection. It was pretended that Castlereagh's opinion coincided absolutely with the intentions of the eastern powers, and a joyful agreement was expressed solely under the mask of this malicious presupposition. According to the terms of Wintzingerode's reply to the English envoy, King William felt assured "that the liberators of Europe could not possibly intend, after having freed the nations of the continent from the yoke, to impose upon them another yoke no less heavy than the former. No, it is the king's firm conviction that this cannot have been the design of the Troppau conferences." The king expressed his sentiments yet more plainly in a personal interview with the Prussian envoy. He did not, he said, care for any intervention in foreign affairs, and would like everyone to remain master in his own household; while Wangenheim triumphantly announced in Frankfort that the decisive struggle between absolutism and constitutional liberty was now about to begin. But the German powers had long known what was the significance of these Würtemberg pinpricks, and Wintzingerode gave the Prussian envoy the unmeaning assurance that as a constitutional prince it had been impossible for the king to use any other language, but that he retained his old veneration for the eastern powers.[1] Even England's opposition, which at first evoked lively consternation, and induced Count Bernstorff to make a friendly remonstrance in London, appeared after all, when quietly considered, to be quite harmless. For the angry protests of the tory government were invariably accompanied by the assurance that England would not separate from the Grand Alliance nor yet offer any hindrance to the court of Vienna in its campaign against Naples. Castlereagh's strong words, as he himself admitted to the Prussian envoy, were intended rather to appease parliament than to bear on the matter in hand. His acts showed how far from his mind was any idea of mortifying his Viennese friends. He sent a cautiously worded exhortation to the king of Naples, urging him to accept the invitation of the eastern powers, and placed an

[1] Cockburn to Wintzingerode, January 29; Wintzingerode's Reply, January 31; Küster's Report, Stuttgart, February 26, 1821.

English ship at Ferdinand's disposal. Captain Maitland, who had once had charge of Bonaparte as a prisoner on the "Bellerophon," now conveyed the Bourbon ruler northward.[1]

If England displayed so feeble a resistance, it was obvious that the court of the Tuileries, which from the first had been far more sympathetic towards the designs of the eastern powers, would adopt a still more discreet tone. The two French plenipotentiaries had now been joined by Count Blacas, a rigid ultra, profoundly impressed with the dignity of the Most Christian King. He could not keep silent when Metternich, in a published declaration, assured the world that France had assented to the Troppau decisions with certain reserves, and on February 20th joined with his colleagues in handing in a note expressly directed against the system of European intervention; but this was followed by the modest assurance that France agreed to the invitation to King Ferdinand, and would merely endeavour, should matters come to blows, to mitigate the severities of the war.[2] Even this declaration, modelled on the English protests, filled the eastern powers with annoyance Ancillon, in virtuous indignation, described it as the bad imitation of a bad original. Yet the separate position of the two constitutional courts could not become threatening unless they should hold firmly together, and in view of the sharp divergence of their respective interests in the Mediterranean such a union was inconceivable. Matters remained much as they had been in Troppau: the Grand Alliance, though somewhat weakened, was by no means dissolved. The eastern powers alone came to definite decisions, although on this occasion, in order to spare French susceptibilities, they no longer held formal separate conferences. The French as a rule gave a subsequent assent, and Lord Stewart for the most part merely took formal note of the resolutions.

Metternich had gradually come to be on confidential terms with the czar. Almost every evening he drank tea in tête-à-tête with Alexander, a distinguished mark of imperial favour; and although Capodistrias was still able to place various difficulties in the Austrian's way, and to raise a number of counter-proposals, the star of the Greek statesman was manifestly setting. Nesselrode, the friend of the Hofburg, again won Alexander's ear, and since Prussia gave a ready assent to all matters in which her own

[1] Bernstorff, Instruction to Maltzahn in London, February 11, 1821; Maltzahn's Reports, December 19, 1820, February 27 and March 6, 1821.

[2] Verbal Note of the French plenipotentiaries, February 20, 1821.

state was not directly concerned, the tragicomedy which Metternich had designed for the advantage of the house of Bourbon was played entirely in accordance with the idea of its originator.

Meanwhile the hero of the piece had appointed his son regent, and, after the crown prince, equipped like his father with an easy-going Bourbon conscience, had also sworn fealty to the Spanish constitution, Ferdinand took leave of his beloved people. As long as the ship was still sailing the high seas, he continued to wear the colours of the carbonari, for how readily might a storm drive him back upon the shores of his own land! But as soon as he was safely arrived in Leghorn harbour, he tore off the badge of revolution and trampled it under foot. Then, in letters to the five monarchs, he proceeded to pour out the feelings which inspired his heart as a paternal sovereign. "At length I am free," he wrote to the king of Prussia; "at last I am again my own master. Without your protection my life would have succumbed to the outrages that compelled me to recognise decisions against which I have incessantly protested before God, and before those men who still ventured to approach me." While thus renewing his protest, he begged that the letter might be kept secret, lest his children should fall victims to the vengeance of an abominable faction.[1] This was the person who was to intermediate between the great powers and his people! The tall, lean, and sinewy old man produced the impression of a robust country gentleman, and the innocent young princess Amelia of Saxony, who made his acquaintance on this journey, was delighted with his good-natured frankness. But the statesmen in Laibach were horrified when the Bourbon appeared before them, just refettered by solemn oaths, condemning everything, railing at everything which he had himself done and sworn, and so incompetent that he could hardly read a despatch to the end. Since they did not recognise the revolutionary government, they would not receive Ferdinand's companion, the Neapolitan minister, the duke of San Gallo. In place of this rejected subject, the king summoned Prince Ruffo, a fanatical reactionary, who in all matters of business proved no less impracticable than his master. Since the issue was still uncertain, they both demanded that the congress should act on their behalf, and without their participation.[2]

After prolonged deliberations, the assembly resolved to refuse

[1] Letter from King Ferdinand to King Frederick William, from Leghorn.

[2] Circular to the Prussian embassies, February 12; Bernstorff to Ancillon January 30, 1821.

recognition to the Neapolitan fundamental law, and to send an Austrian army to restore the king's authority, peaceably or by force of arms. Ferdinand rejoined that since the only choice open to him was between war and repudiation of the revolution, he preferred the latter, and in a letter he ordered the crown prince to submit to the orders of the congress. Now the unhappy duke of San Gallo, who had meanwhile had to remain in the neighbouring town of Görz, was summoned to receive the judgment of Europe (January 30th). Before the assembled congress, Metternich announced to him the decision of the powers, and threateningly added that should the Neapolitans fail to hearken to the paternal voice of their king, then those men who, inspired by fanaticism, or by yet more reckless motives, had blinded the eyes of the loyal people, would bear the sole responsibility, and would themselves be the first victims of the disaster that would visit their fatherland.[1] While this was going on, Prince Ruffo was concealed close at hand in Metternich's closet, watching, through a hole which his patron had had bored in the door the humiliation of his constitutionalist fellow-countryman. The latter, however, preserved the unabashed self-possession of the southland buffo. He smiled courteously, as if flattered by Metternich's contemptuous reproaches, and promised with great good-humour to report matters faithfully at home. Not one of those present appeared to perceive how scandalously the cause of legitimism had here been disgraced by its own adherents.

Nor did the Prussians show any distaste for the unworthy business, but they allowed their Austrian friend a free hand, offering no opposition until he demanded the guarantee of the Grand Alliance for an Austrian war-loan. Hardenberg would not accede to this proposal, for if granted it might readily have led to the increase of the national debt whose account had so recently been closed, and the king expressed his special recognition to the chancellor for this service. In the final deliberations[2] the representatives of the minor Italian states also participated, quite in accordance with Metternich's wishes. In especial, the minister of Duke Francis of Modena displayed himself a rigid legitimist. Francis was an evil little despot, regarded as the leader of the Italian reaction. Even the Piedmontese plenipotentiary, Count Saint-Marsan, the man who had once behaved so honourably as

[1] Allocution du Prince de Metternich, January 30, 1821.

[2] Hardenberg's and Bernstorff's Report, February 6 ; Albrecht to Hardenberg, February 17, 1821.

Napoleon's envoy in Berlin, considered the campaign against the carbonari essential. Terror of the revolution was stronger than the old mistrust of Piedmont towards her Austrian neighbour; and in fact the Hofburg did not at the moment cherish any thought of conquest, and she also sagaciously avoided bringing up for discussion her Italian federal plans which had so often aroused uneasiness at the court of Turin. The papal legal, Cardinal Spina, contented himself with a few perplexed and non-contentious utterances, for the pope desired to defend against all comers the sovereignty which had so lately been regained; and just as he rejected all counsels from the great powers for the administration of the papal states, so also did he desire to maintain the neutrality of his country, immediately exposed to the attacks of the revolutionary army. This was the traditional policy of the papacy, which had never favoured the acquisition by any single power of supreme dominion in the peninsula; but the curia did not dare to bar the Austrians' only road to Naples.[1] The great powers went on to discuss with the Italian envoys the elements of the future Neapolitan constitution. The proposals sounded reasonable: a *consulta* with modest powers was to supplement the royal authority both in Naples and in Palermo. Unfortunately, however, Bernstorff was unable to secure that definite instructions should be given the king as to his actions after his return, and thus the destiny of southern Italy was left entirely to the fortune of war and to the incalculable caprices of the thrice perjured Bourbon.[2]

The primary aim of the congress had been attained, and the formal deliberations were closed on February 26th. Hardenberg had left Laibach a few days earlier. He did not return to Berlin, although urgent business was awaiting his attention there, and although he had just heard from the faithful Rother that all progress would be arrested unless the chancellor could work hand in hand with the king.[3] With incredible levity he dismissed these cares and undertook a recreative journey in Italy, an accessory aim being to bring to a formal conclusion the understanding with the holy see, now almost complete. The other statesmen remained for the present with the two emperors at Laibach, to await the issue

[1] Hardenberg's and Bernstorff's Report, January 30; Journaux de la Conférence, February 20 and 21; Bernstorff to Count Goltz in Paris, February 28, 1821.

[2] Prussian Comment, February 22; Bernstorff's Reports, February 20 and 24, and March 5, 1821.

[3] Rother to Hardenberg, January 31, 1821.

of the military intervention. The opening of the campaign was unpromising, and showed that Austria owed her brilliant position at the head of the European powers, not to her own strength, but simply to Metternich's diplomatic skill and to the perplexities of the other courts. General Frimont's army moved cumbrously southwards, and when the Austrian forces at length arrived before the gates of Rome it became apparent that after seven months' preparations the financial resources requisite for this insignificant war were not forthcoming. The army administration was painfully embarrassed, for no one would lend it any money. Then Niebuhr came to the rescue, drawing bills on the Prussian bank in his own name, which were at once honoured by the Roman bankers. The humiliating occurrence was soon forgotten, for immediately afterwards the revolutionary house of cards fell to pieces. The Landwehr of the Samnites and the Marsi had marched enthusiastically against the minions of the tyrants, and the crown princess had decorated the banners of the rejoicing soldiers with carbonari streamers stitched by her own fingers. But Guglielmo Pepe allowed the Austrians to make their way unresisted through the difficult pass of Antrodocco in the mountains of Abruzzi; and when Frimont attacked Pepe on March 7th at Rieti, the army of freedom made a tolerably firm stand for barely four hours, and then fled in hopeless and shameful disorder. All were deaf to the exhortations of the valiant leader; overcome by irresistible home-sickness, each man hastened to his own village. The war was over; the whole country lay at Austria's feet.

The monarchs had not received tidings of the victory when, on March 15th, there came to hand other and unanticipated news whose effect upon the Laibach assembly resembled that which the intelligence of Napoleon's return had exercised upon the Vienna congress. All the minor misunderstandings which still separated the two imperial courts were instantly dispersed when it was learned that a revolution had broken out in the loyal land of Piedmont. This was the fourth revolution within a year, and to the court of Vienna it seemed far more alarming than the revolt in Naples, for it affected the one brave and national army in the Italian peninsula, and occurred in the state which already began to perceive its kinship with upward-striving Prussia, its vocation as champion of Italian unity. Count Santa Rosa and other efficient officers belonging to leading families, and even a son of

[1] Bernstorff to Ancillon, March 13, 1821.

Count Saint-Marsan, took part in the conspiracy. They did not flock round the partisan banner of the carbonari, but raised the renowned tricolor of the kingdom of Italy. A manifesto issued by the rebels recalled the example of York, who by glorious disobedience had delivered his kingdom from the foreign yoke. With visionary indistinctness, and yet unmistakably, there loomed in the background of the fantastic design the idea of the national monarchy of the house of Savoy. Bernstorff immediately divined that "this hydra must have been conceived in France,"[1] and unquestionably the conspiracy had ripened in those liberal circles of Turin which held converse with the French embassy. The original aim of the conspirators was to secure a charter analogous to the French *charte*, and it was only because they had need of a popular war-cry that they ultimately declared in favour of the unhappy Spanish constitution.

Thus it was that this nationalist uprising assumed the semblance of being merely one link in the chain of a world-embracing revolutionary conspiracy. Everything that Metternich had predicted concerning the plans of the parties that were working underground, seemed confirmed by the issue, and the czar now unreservedly joined forces with the infallible prophet of Vienna. On March 15th, the eastern powers determined to suppress the revolt promptly; the Austrian troops in Lombardy were to be reinforced without delay, and a Russian army of 80,000 men was to be summoned by way of Hungary. The two emperors expected from Prussia also the promise of armed help, at least in case of extremity. Bernstorff, however, rejoined in plain terms that he must reserve freedom of decision for his court, as the king would not impose any burden upon his people which exceeded the obligations of the treaties. At the same time he announced his approaching return home, and he actually left a few days later. The emperors offered no opposition to his departure, hoping that at home he would be able to give more effective help to the common cause; but Bernstorff's aim in leaving the congress was to prevent Prussia's becoming involved in the Italian complications more deeply than the king would approve. General Krusemark, who remained as solitary Prussian plenipotentiary, could readily evade all "further burdensome or unreasonable demands" on the ground that he must always seek instructions from Berlin.[2]

[1] Bernstorff's Report to the king, March 15; to Hardenberg, March 21; Secret Minute concerning Bernstorff's Comment, March 15, 1821.

[2] Bernstorff to Ancillon, March 15, 1821.

Thus at the Prussian court there was a strange conflict between the feeling of duty to the fatherland and the anti-revolutionary sentiment. Frederick William would on no account sacrifice the forces of his people on behalf of the Italian plans of Austria, and yet heedlessly assumed before all the world co-responsibility for the dictatorial manifestos of the Viennese interventionist policy, since in the league of the eastern powers he saw a guarantee for the safety of his own state. His attitude showed that the sobriety of his judgment remained stronger than his friendship for Austria, but it was one ill-suited to the dignity of a great nation.

The two western powers, indeed, were far more hopelessly embarrassed. Pasquier, minister for foreign affairs, the most liberal member of the Paris cabinet, was filled with profound anxiety as the moment approached in which the Austrians would advance to the French frontier. Metternich recognised that this jealousy was intelligible, and for some days deliberated seriously whether it would not be better to leave the occupation of Piedmont to the Russians. But if the French court desired to maintain its interests in Italy, it was necessary that France, anticipating Austrian action, should herself restore order in Piedmont, and this bold step was impossible, for the French government distrusted its own army. Thus time slipped away without any decision being taken by the Tuileries.[1] Finally, Lord Castlereagh's Austrian inclinations had been strengthened by the news from Turin, and he gave private assurances that all his protests had been nothing more than moves in the parliamentary game.

Metternich alone was sure of his aim, and he was once more marvellously favoured by fortune. The dreaded Piedmontese revolt was soon disclosed to be a premature and ill-prepared undertaking. Part only of the army had taken the side of the revolution, and the majority of the people eagerly awaited the king's decision. The upright Victor Emanuel, who had grown grey amid the absolutist ideas of the old century, desired neither to begin a hopeless struggle with the great powers nor yet to call in foreign armies for help against his own troops. At length, therefore, he took the same resolution as had been taken by several of his dutiful forefathers when the burden of government proved too heavy for them. Laying aside the crown, he appointed Charles Albert, Prince of Carignano, regent until Charles Felix, the heir to the throne, should return from Modena to take the reins into his own hands. What a task for the inexperienced and ambitious

[1] Krusemark's Report, March 24 and 29, 1821.

prince, who had long been in communication with the conspirators, and had sometimes dreamed of the Italian crown for himself! He immediately had the Spanish constitution adopted by an assembly of notables, hoping in his youthful innocence to secure the subsequent assent of the new king. But Charles Felix, who was of the same way of thinking as the duke of Modena, issued a vigorous manifesto rejecting all innovations, and in this country the die was cast as soon as the king had spoken. Charles Albert obediently gave up his regency. Meanwhile General Bubna had entered the country with an Austrian army. The loyal section of the Piedmontese troops joined forces with him; and on April 8th, after a brave resistance, the rebels were defeated at Novara. A few students from Tübingen and other young liberals who had come to Piedmont from neighbouring countries found on their arrival that the revolutionary army had been completely dispersed. A secret society in Lombardy, which was already prepared to take action, broke up in discouragement.

Russia's help had now become superfluous. With two trifling blows, and within a month, Austria, single-handed, had effected the suppression of the revolts in the south and in the north of the peninsula; her will prevailed from the Alps to the Ionian Sea; and the statesmanlike greatness of the victorious Metternich was revered by all the world—not by diplomats alone (for these had indeed anticipated rapid success), but yet more perhaps by his liberal opponents, who had been so greatly deceived regarding the strength of the revolution. With arrogant and malicious delight Gentz recounted in the *Oesterreichische Beobachter* how on the day of battle the only arts displayed by the heroes of freedom were those of "Pulcinella." He closed his article by saying with satisfaction: "The good citizen gladly makes common cause with the protecting power, to purge his fatherland from the foul excrement of the last of the factions, from those who find no salvation but in universal misfortune, from those who have no hope but a solitary dominion in the theatre where they have wrought destruction."

For this work of purging, the foreign Bourbon rulers certainly needed to employ more vigorous remedies than were required by the national princely house of Savoy. At first the half-enforced abdication of Victor Emanuel seemed to the eastern powers an inadmissible onslaught upon the strict principles of legitimism. The two emperors even attempted to induce the old king to change his mind, and Frederick William wrote a letter

exhorting him to resume the royal power. But his purpose was fixed, and in the end the monarchs accepted the situation, doing this all the more readily since his successor proved an uncompromising legitimist, and had in Laibach an eloquent advocate in the person of the duke of Modena. Under the stiff, bigoted, stupid regime of the new king, the rebels were visited with severe punishment, and Metternich hastened to demand the co-operation of the Swiss confederacy, on the ground that hospitality towards Piedmontese refugees was "a moral infringement of neutrality." Nevertheless Charles Felix avoided manifest illegality and cruelty, and with patriotic zeal endeavoured to secure a speedy evacuation of the country by the Austrians, so that the old-established cordial relationships between prince and people were not permanently disturbed.[1] The court of Vienna was especially delighted by the degradation of the prince of Carignano, who now stood nearest to the throne. The unfortunate prince had hitherto been the hope of the patriots, but now all the courts were pitiless in their censure of his vacillating and ambiguous conduct; the Austrian officers mocked him to his face as "the King of Italy" (an insult which the proud man never forgot); while the liberals, who, after the custom of the Latin races, could explain their defeat in no other way than as a betrayal, sang of him the cruel verse, "Through all the nations thy name is laden with curses, Carignano." It seemed that he must remain the object of universal contempt, and the reactionary party had already conceived the plan of excluding him from the succession, and of ensuring that upon the death of Charles Felix, the crown should pass to Francis of Modena.

In Naples, meanwhile, there had been established a reign of terror, hardly less atrocious than that characteristic of the earlier Bourbon blood-assize of the year 1799. King Ferdinand had postponed his return until the subjugation of his country had been fully assured, so that he should no longer need to trouble himself about the advice of the great powers. Then ensued an endless series of imprisonments, floggings, and executions; many of the best men languished in the shadeless and insect-ridden penal islands, herded with common criminals; thousands lived as refugees in England, Switzerland, and the Barbary States. The old conscript army was disbanded, and replaced by a new army, levied by recruiting. In the clericalist primary cantons of Switzerland, Ferdinand employed a notorious old mercenary, General

[1] Bernstorff's Report, March 20; Krusemark's Reports, May 2, June 2, July 7, 14, and 28; Metternich to von Schraut, Austrian envoy in Berne, April 18, 1821.

Auf der Mauer, to beat the recruiting drum, and although many a good confederate adjured " the valiant men of Schwyz " to hold aloof at length from the national sin of foreign mercenary service so long before denounced by Zwingli, nevertheless several regiments of stout fellows were got together to keep watch upon the uneasy capital from the hill fortresses across the bay. The unbridled cruelty of this reaction compelled the powers to intervene more than once with serious warnings, and even Emperor Francis, whilst still at Laibach, wrote twice to the king.[1] But what could be the use of such exhortations when the good emperor allowed his own soldiers to do police duty for the Bourbon's bloodthirsty judges, and when the hospitality of the loathsome prisons in the Moravian fortresses was offered, not merely to the Lombard patriots against whom criminal prosecutions had recently been reinstituted, but also to Neapolitans convicted of high treason? Naples was still a mere satrapate of the Hofburg; the old union between the royal house and the French Bourbons became less and less binding. The Austrians remained six years in the country, the court overwhelmed their leaders with gold and honours, and in a few years the national debt was increased fourfold by the costs of the foreign occupation. A fierce hatred against the whitecoats increased year by year; in Palermo a secret society was discovered which had designed to poison the entire Austrian garrison. This hatred was reflected upon the Germans outside Austria, for to the Italians every Croat, Rascian, or Wallachian who wore the emperor's uniform was a " tedesco "; and others, too, held the German nation responsible for the sins of the leading power in the Germanic Federation. In wrathful verses Casimir Delavigne spoke of the Germans as " ces esclaves d'hier, aujourd'hui vos tyrans," and towards the end of the poem (*Parthénope et l'Etrangère*) described how the defenders of Liberty had appealed to Virgil:

" Assis sous ton laurier que nous courrons défendre,
Virgile, prends ta lyre et chante nos exploits;
Jamais un oppresseur ne foulera ta cendre."
Ils partirent alors, ces peuples belliqueux,
Et trente jours plus tard, oppresseur et tranquille,
Le Germain triomphant s'enivrait avec eux
Au pied du laurier de Virgile.

Few foreigners were capable of so just a discrimination as Byron, who wrote frankly: " I love the Germans, the Austrians excepted,

[1] Krusemark's Reports, April 4 and May 11, 1821.

for these I hate and loathe." The majority noted with tacit pleasure that the state whose increase in strength all dreaded was now in as evil repute as Russia, and the subserviency of the Prussian court to Austria afforded considerable justification for the disfavour of public opinion. It is true that the European world inclined to judge the unhappy Neapolitans still more harshly, for since the day of Rieti they had been stamped with the curse of ludicrousness. The satirical song of "The Great Retreat" was heard on all hands, and many a disillusioned German liberal named his dog "Pepe." The more joyfully people had so recently greeted the liberation of this people, the more hopeless now seemed its fall. "Where shall we bury our shame?" was the opening line of Thomas Moore's new Neapolitan national air; and in his *Lines on the Entry of the Austrians into Naples*, 1821, addressed to the carbonari leaders (*carbone notati*), he writes,

> For if *such* are the braggarts that claim to be free,
> Come, despot of Russia, thy feet let me kiss
> Far nobler to live the brute bondman of thee,
> Than to sully ev'n chains by a struggle like this.

Thus deplorable had become the situation of the two great nations of Europe: upon the neck of one was set the foot of the Austrian; while the other was chained to this same enemy of her unity by a false and yet indissoluble alliance, and in words at least rendered Austria docile assistance.

By Austria's successes the western powers had been disarmed, and Gentz wrote, intoxicated with delight: "Paris and London lie at our feet!" How could France resist the victorious Hofburg when King Louis trembled for his own throne? The ultras incessantly fed his terrors with alarming rumours. To intimidate the monarch, this infatuated party had just arranged for an explosion of gunpowder in the Tuileries; in Laibach it was represented by a secret agent named Jouffroy, who handed the czar a fresh letter by Bergasse, and who once again described in the gloomiest colours the state of affairs in the motherland of revolution. Co-operation between the two great constitutional courts was out of the question, for the tory government would on no account permit the French any encroachment in the Mediterranean lands. When the revolution in Piedmont had been brought under control, Lord Castlereagh could no longer repress his heartfelt sentiments. He sent congratulations to his Viennese friend, and expressed the hope that the occupation of the subjugated country would not

be entrusted to French troops. Metternich was charmed at this manifestation of political innocence; but the czar inquired with a smile, "What do these people take us for?"[1]

Fate, however, had now intermingled a bitter draught in the Austrian statesman's cup of joy. The doctrinaire basis of "the immutable European Grand Alliance" conflicted so obviously with the multiplicity of opposing interests and unsolved problems characteristic of European life, that this alliance was necessarily disturbed by every great metamorphosis in national history. Before the close of the Laibach congress, a fifth revolution broke out, one which was at first less heeded than the others, but which was destined in the end to prove more injurious to the Grand Alliance than any of the others. The Greco-Slav world began to awaken, and the eastern question, the most thorny of all European problems, once more became pressing. For hundreds of years the realm of the Osmanli had persisted in the western world solely through the mutual jealousies of the European powers, for its native energies would no longer have sufficed to maintain it. A national migration had, like a tremendous avalanche overwhelming all civilisation, overflowed that happy region of the south-east where in former days Christianity had established a second Rome and the commerce of two continents had found its centre. The whole region had lapsed into profound slumber, and all which in this world of vestiges still lived and laboured on behalf of moral progress, was Christian. The master race, which, with sure grasp of the oriental art of rule, had firmly imposed the yoke of servitude upon the rayahs, remained, despite all the glory of its stolen wealth, nothing but a horde of oriental horsemen who never became settled in Europe, and never got beyond the outlook of fighting nomads. It was inevitable that in the case of the Turks, as previously in the case of the Polish nobles' republic, the historical law should find fulfilment that in this century of bourgeois industry there was no longer any place for a nation of robber-knights and idlers.

The rayah nations had never become reconciled to their pitiless masters, had never ceased to invoke God's vengeance for that day of shame when the conquerors had ridden into the cathedral of Hagia Sophia, and when the hoofs of the horses had defiled the most beautiful temple of Greek Christianity. Amid the foulness and misery of their enslavement, they still

[1] Krusemark's Report, April 19, 1821.

retained that inexhaustible energy of rejuvenescence and spontaneous renovation which everywhere distinguishes Christendom from the spiritless inertia of Islam. When the cosmopolitan doctrine of salvation that issued from the French revolution gradually made its way into the remote east, accompanied by the ideas of national freedom which found expression in the Spanish and the German wars of independence, they promptly exerted an influence upon the most alert of the rayah nations, the one which suffered least under the economic pressure of Turkish rule. Since the peace of Kutchuk-Kainarji the Greeks had captured almost all the trade of the Ægean Sea. From the memories of a glorious past they derived the self-confidence of an indestructible nationality which, though bespattered with all the sins of many centuries of slavery, was still vigorous enough to preserve the ancient speech in marvellous purity, and strong enough to absorb the numerous Albanian and Slav elements which had found their way into the Greek area of civilisation and to fulfil them with Greek culture.

The thought of re-establishing the Byzantine empire had never completely disappeared. Even in the hard seventeenth century, Milton had dreamed with a Hellenic friend of the renascence of Greece, and a hundred years later the emissaries of the czarina Catharine had made their way among the Greeks to fan the flames of hatred against the Ottoman overlords. But not until Rigas had in fiery verses sung the freedom of the Greeks did the waves of the nationalist movement begin to increase in strength. Koraes and his friends introduced the modern Greek tongue into the circle of the languages of civilisation and created the first beginnings of a national literature. The literary Philomusic League of Athens promoted an interchange of ideas among the Greeks who were dispersed in all the harbours of the Balkan penisula and Asia Minor ; and simultaneously, from 1812 onwards, the political Hetairia (Society of Friends) of Odessa established its secret associations throughout the Greco-Slav lands.

Whereas in most of the other wars of independence in modern history the protagonists did not become conscious of their ultimate goal until comparatively late in the day, this conspiracy was consciously directed from the first towards the complete liberation of the country, since intermediation between the cross and the crescent seemed utterly impossible. Independence of all Greeks was the watchword, and the struggle was not to end until the cross had been re-erected upon the dome of St. Sophia. The co-operation

of the Protector of the Orthodox church seemed all the more certain to the conspirators because a favourite of the czar, the phanariot Alexander Ypsilanti, was their leader, and because numerous Russian agents were at work in the peninsula. Capodistrias, too, held secret intercourse with the Hetairia. In 1819, unquestionably with other aims than those which appeared on the surface, he visited his home in Corfu and encouraged the Friends by half-promises when they announced that the rising was fixed for the following year. Although there was no direct connection between the Hetairia and the lodges of the carbonari, the contemplation of the revolution in the two neighbouring peninsulas necessarily stimulated the impatience of the conspirators, and could not fail to accelerate the outbreak of the war. In December, 1820, occurred a rising among the Suliots in the Albanian mountains. In Europe the news was barely noticed. The struggle was regarded as no more than one of those innumerable local revolts which had for so long constituted the entire internal history of the Turkish empire, and no one imagined that this savage mountain tribe could be privy to the designs of the Hellenic conspirators. Great, however, was the commotion at the congress when it was learned that at Jassy, on March 7th, Ypsilanti had proclaimed the freedom of the Greeks and had promised the rebels the czar's help. With what certainty must he have counted upon this assistance to venture raising the Greek standard of revolt upon the Russian frontier and among the indifferent Roumanians. A few weeks later, the tribes of Peloponnesus also took up arms, the Greeks of the Ægean islands followed the example, and now the horrible struggle of the Hellenes, the most savage race-war of the century, was in full progress—inhuman fury, treachery, and breach of faith on both sides.

Metternich's judgment of this fifth revolution was formed in an instant, for of all his political axioms none was more firmly held than the inviolability of Turkey. Not for a moment was he disturbed by such questions as whether the rule of the crescent could be maintained for ever in the Christian west, whether Austria ought not to attempt to re-enter the victorious paths opened by Prince Eugene, and whether, in view of the imminent destruction of the Turkish empire she might not be able to secure for herself a strong position in the Balkan peninsula, and perhaps even to acquire dominion over the mouths of the Danube. To Metternich the sultan was a lawful ruler like any other. In the *Oesterreichische Beobachter* Gentz proved with holy zeal that the

dominion of the Porte rested upon the title of conquest universally recognised as legal by the world. Moreover, this legitimist state was distinguished by a constitution in complete conformity with the political ideals of the Austrian statesman. Here, still untouched by the disintegrating doctrines of the revolution, was displayed the renowned "force des subdivisions"; here was established a loose juxtaposition of lands secured by plunder, whose only common tie was passive obedience to a master. Entangled in the arid pragmatism of the eighteenth century philosophy of history, devoid of all understanding of the elemental energies of that national instinct which is alone decisive in crises of national life, Matternich discovered the cause of this discharge of ancient racial hatreds in the evil arts of a rout of ambitious rascals, and measured the eastern question by the petty yard-stick of his doctrine of stability. The Hellenic movement, like the rest, could arise solely from the intrigues of factions working underground, and from the first he assumed that the Hetairia and the carbonari were members of the same sect. Moreover, these sinister Greek demagogues seemed to him the tools of the dreaded Russian policy. He saw plainly enough that he could not openly assist the Porte, unless he wished to drive the rebels into the very arms of the Russians. But in his fear of all inovation he could not make up his mind to provide, by joint intervention of the great powers, a tolerable existence for the rayah peoples, and thus perhaps to secure for the Turkish empire a new lease of life. From these perplexities he could see but one exit. If the great powers would express in plain terms their detestation of the Greek uprising and would then leave the oriental confusions to themselves, the forces of the Porte would soon be able to suppress the revolt, and the Ottoman scimitar, as Metternich confidently hoped, would restore the old order within the sultan's realm.

In this rigidly conservative view, the Austrian statesman found himself at one with the ideas of the English court, for England dreaded lest the Greek rising might lead to the destruction of the customary English trade routes, while the court of St. James felt even more anxiety than the Hofburg regarding the secret designs of Russia. The idea that the first naval power of the world could not fail to gain by the liberation of the economic energies of the Balkan peninsula, lay quite outside the circle of vision of these high tories. The Prussian statesmen were likewise of the same opinion as Austria, although Bernstorff did not share Metternich's

hopes, and considered that the Greek rising had considerable chances of success.[1]

But how was it possible to gain the czar over to a view which conflicted with all the traditions of Russian policy and with the most powerful national passions of the Russian people? Capodistrias still sat in Alexander's council, and, as Bernstorff said, the Greek "would deny his most natural and most indubitable sentiments" if he did anything to hinder the liberation of the Hellenes. But on this occasion also, as throughout the days of Laibach, fortune favoured the Austrian court. Ypsilanti's despatch announcing to the czar the beginning of the rising reached Laibach during the very days when Alexander was gravely perturbed by the news from Turin. In profound alarm, he saw everywhere the spectre of the great demagogic secret society, and as he knew little or nothing about the intrigues of the Russian agents, it seemed to him that his phanariot friend was only an infatuated man who had allowed himself to become entangled in the nets of the carbonari. It was in this mood that Metternich found him, and it was not very difficult for the Austrian to play upon the czar's nerves—on this occasion with the aid of the conflagration metaphor. The Greek rebellion, declared Metternich, was the torch of dissension which the demagogues had thrown between Austria and Russia in order to sever the two imperial powers and to maintain the liberal conflagration. Alexander was fully converted, and showed himself so firm in the new faith that Metternich could write, "If anyone ever changed from black to white, it is he." Gentz said exultantly, "God fights on our side!" He might well rejoice, for in this case Metternich's success seemed almost miraculous. The unlucky Capodistrias was in danger of forfeiting the confidence of his imperial master, and of thus being deprived of his fulcrum for the support of his fellow-countrymen. He pliably adapted himself to circumstances, and personally composed the vigorous response in which the czar's displeasure was conveyed to the Greek rebel leader (March 26th). Ypsilanti's name was erased from the Russian army list. Alexander remained in the same mood until the close of the congress, and his Austrian mentor did not lose the chance of writing additional verbose memorials in order to impress upon the czar's mind the principles of the only genuine statecraft, which might be summed up in the single idea "ne rien innover!"

In the *Oesterreichische Beobachter*, meanwhile, Gentz opened a

[1] Bernstorff's Report, March 20, 1821.

paper-war against the Hellenes, completing henceforward in regular succession those famous reports " From Zante," describing with frantic exaggeration the iniquities of the rebels, their dissensions, and their cruelty. Metternich himself, in a memorial dated May 7th, was able to sum up the common judgment of the two emperors, declaring them to be convinced that the Greek nation had declined to the lowest depth of degeneration. When, on May 13th, the monarchs bade farewell, after living together for six months, their friendship seemed more closely cemented than ever before. They shook hands on the pledge that neither of them would ever take separate action by intervening in the eastern troubles, declaring they would invariably be guided by the joint decisions of the Grand Alliance. In the following year they expected to meet King Frederick William at a new congress in Florence ; in the interim they would watch the course of the movement closely and would never fail to effect a friendly interchange of views. When taking leave of the Prussian envoy Alexander once again extolled the league of the eastern powers as " Europe's bulwark against revolution," and, much moved, expressed his recognition of God's will in the wonderful dispensation which at this precise juncture had led him into such close association with Emperor Francis. No less unctuously wrote Ancillon : " When we see how the very existence of the Porte is threatened, how Spain hastens with rapid strides towards civil war, how America outbids Europe in following the latter's pernicious and destructive example, and how the old continent is menaced with moral and political infection of an entirely new kind, we have a redoubled sense of the inestimable value of the union of the allies, and we thank heaven for bestowing upon the power of the czar of Russia a counterpoise in his heart and in his principles." [1]

At the close of the congress (May 12th), in a grandiloquent manifesto, the eastern potentates announced the results of their labours. The design for a general overthrow of the established system had been frustrated by the allied armies, which had come to the assistance of the oppressed peoples. " Providence has stricken the consciences of the guilty with terror ; and the disapproval of the nations, whose happiness was imperilled by the originators of the disturbances, has struck the weapons from the hands of these." An accompanying circular to the minor courts

[1] Krusemark's Report, May 15 ; Minutes of the Congress, February 26 ; Ancillon, Ministerial Despatch to Krusemark, May 28, 1821.

went on to give assurances that the three powers judged the Greek revolution in accordance with the same principles as those applied to the Italian risings, and reiterated the declarations that all reforms secured by revolt were null and void. To remove any possible doubt, the czar also issued a special circular to his own embassies, giving solemn assurances that Russia would strictly observe the rules of international law vis-à-vis the Porte, and that she pursued no other aim than the maintenance of general tranquillity. The court of Berlin endorsed the Laibach manifesto without qualification. To the world at large, Prussia's docility seemed more unconditional than was actually the case, for the public knew nothing of Bernstorff's prudent reserve, while Privy Councillor Kamptz now came to the front as advocate of the new Viennese doctrine of international law. In *A Disquisition on International Law*, whose fanatical tone could not fail to incense the liberals, he maintained in set terms that for the society of states the right of intervention was no less necessary and beneficial than was police activity necessary and beneficial within the confines of the individual state. As soon as a state considered its safety threatened by the constitution of a neighbouring land, the right of the former to intervene followed as a matter of course, and none but " factionaries," none but those whose revolutionary propaganda endangered order in all states alike, would venture to deny this incontestable right. In support of this crude doctrine, Kamptz went so far as to appeal to the repeated interventions on the part of France and of Sweden in the ancient imperial German constitution. Thus it seemed that the eastern powers had been entirely won over to the views of the Hofburg. Metternich's triumph was complete. He stood at the summit of his fame, and his grateful emperor, before leaving Laibach, bestowed upon him the dignity of a court and state chancellorship, in recompense for the pains he had taken during the past two years to secure " the victory of right over the passionate intrigues of the disturbers of the peace."

The representatives of the western powers had not subscribed the Laibach manifesto, but they did not venture to oppose it openly. Lord Stewart was not permitted to do more than express his disapprobation in confidential conversations, for in the eastern question his brother desired to go loyally hand in hand with the court of Vienna ; and the Paris cabinet contented itself with censuring de Caraman for his failure to prevent the publication of the circular. The new court chancellor took a malicious delight

in the embarrassment of the constitutional great powers, opining that this humiliation would prove extremely salutary, since they had diverged so widely from the common cause.[1] The minor German courts responded to the Laibach circular in the style they had been accustomed to use after Napoleon's victories. King Max Joseph beamed with joy when at Tegernsee, in the presence of the Prussian envoy, he broke the seals of the precious document; the North German princely courts vied with the senates of the free towns in manifestations of humble gratitude; the sovereigns of the two Lippe realms wrote personally to Bernstorff to express their admiration. Even the king of Würtemberg, who after the battles of Rieti and Novara had scarcely been able to conceal his annoyance, now thought it advisable to express his thanks through the mouth of Wintzingerode.[2] Finally, the Bundestag provided for the general satisfaction of official Germany an expression which could have been conceived nowhere else than in the eloquent Austrian federal presidential chancellery. The presidential envoy proposed "that the assembly should convey to their imperial majestics the homage of its most reverential gratitude for this communication, accompanied by the most respectful assurance that the members of the assembly are most unanimously agreed in profoundly venerating in its contents the most magnificent monument which these sublimest of sovereigns could possibly erect, to testify their love of justice and order, and for the enduring consolation of all legally disposed persons." The proposal was passed "most unanimously," without discussion.

Yet the future of this league of the eastern powers, which ruled Europe so despotically, was even now seriously threatened. When the czar was leaving Laibach he observed to General Krusemark, "I should prefer never to have anything to do with Turkish affairs," adding, however, regretfully, "How will this be possible, since the Porte is adopting such severe measures?" He had good reason for what he said, for during this friendly leave-taking he had received new and disastrous tidings from the east. At the Easter festival, the aged patriarch of Constantinople had been murdered by the Mohammedan mob, and his body hanged to the church door; subsequently it had been dragged through the streets by the Jews and cast into the sea; at the same time several other archbishops of the Orthodox church had been

[1] Krusemark's Report, June 2, 1821.

[2] Zastrow's Report, May 30; Küster's Reports, April 10 and May 22; Himly's Report, May 31, 1821; etc.

massacred, and twenty members of the Greek community had been executed by the sultan's orders. Such was the Porte's answer to the giaour revolt. Warlike old Islam uprose once more in the unbroken barbarism of its religious frenzy. In Galata, indeed, the Roman Catholics sang a Te Deum because the prince of the schismatic church had fallen, in the like spirit as that in which from the walls of the same town the Genoese had looked on with laughter at the conquest of Constantinople. But the western world in general felt the misdeed as a shame inflicted upon the whole of Christendom. How was it possible for the Russian court, which since the peace of Kutchuk-Kainarji had assumed the protectorship of the eastern church, to look on passively at this abomination? The patriarch's corpse was carried by the waves to a Russian ship, and was then solemnly laid to rest in Odessa. The devout Russians regarded this miracle as a sign from God, and gave a hospitable reception to all the Greek fugitives who sought asylum on Russian soil. Nor did the army leave the czar in doubt about its sentiments. When the rebels along the river Pruth, close to the frontier, ventured a skirmish against the Turks, the Russian troops upon the other bank could hardly be held in check, and greeted their co-religionists with thundering hurrahs. Immediately after the bloody days of Easter, the Russian envoy in Constantinople endeavoured to move the representatives of the great powers to a joint protest. His proposal was frustrated by Lord Strangford's opposition, and there ensued an extremely acrimonious negotiation between the Porte and St. Petersburg. The danger of war became more and more imminent; how long would it still be possible for Alexander's legitimist sentiment to control the deadly hatred of the Russian people for the infidel "Bussurman"? All the more vigorously therefore did Metternich exhibit his good feeling towards Austria's faithful allies. The uprising in Roumania was suppressed by the Turks; and when Ypsilanti took refuge in Hungary, Emperor Francis had him conveyed to the fortress of Munkacz, where he languished in confinement for years.

The world must learn to dread the happy land of Austria as the great penitentiary for all the demagogues of Europe. Hatred, however, was stronger than dread. Willingly or unwillingly, the courts had complied with the orders of the eastern powers; but in the domain of public opinion radical anger waxed hot now that the champion of Christian legitimacy was favouring with such obstinacy the sworn enemy of Christendom. In Italy

the hopes of the liberals had been lamentably deceived ; but at the sight of the fierce heroism displayed by the Hellenes, these hopes were joyfully revived. French radicalism now first acquired a definite organisation, young Dugied having returned from Naples to reconstitute the secret societies of his native land after the model of the Italian carbonari. The indefatigable Lafayette became honorary president of the chief lodge of the French carbonari, and in the chamber, amid loud applause, the old man brought up the heavy artillery of revolutionary phraseology—Pillnitz, Coblenz, and the partition of Poland—against the Laibach congress. The newspaper readers of Germany joined cordially in the applause, and their admiration was quite undisturbed when Gentz, with the scorn of the superior person, demonstrated that this hero of two hemispheres was at bottom nothing more than a mediocrity inflated with vanity.

It was extraordinary to see how the quiet land of Germany was once again, and of a sudden, profoundly and enduringly stirred by the contemplation of the Hellenic struggles. Nearly all the tendencies of German life were united in the enthusiasm of the philhellenes : the liberals' impulse towards freedom ; the crusading spirit of the Christo-Teutons ; and the romanticists' pleasure in the remote and the marvellous. In the forefront stood Metternich's ancient enemies, the professors and their youthful disciples, in whose minds the heroic battles of Marathon and Salamis were still treasured as events of yesterday. The aged Voss, who had displayed no more than a lukewarm enthusiasm on behalf of the German struggle for freedom, raised his voice in a clamour of delight. The translator of Homer would not remain in the background now that the time had come for paying the debts of gratitude of the new age to the beautiful home of European civilisation ; and in elegant Greek distiches Thiersch extolled his friend φόσσιος as the protagonist of muse-born freedom. Jacobs and Hufeland joined in the chorus ; and the Swiss writer Orelli translated Koraes' *Political Addresses to the Greeks*. In the church of St. Thomas in Leipzig, Tzschirner delivered a philhellenic sermon ; his colleague Krug, a man with the pen of a ready writer, issued the first appeal to the formation of aid societies ; and soon, in many a German town, collecting boxes adorned with the white cross of the Hellenes were being carried from door to door. The idea of making monetary sacrifices for domestic party purposes was still remote from the thoughts of this bookish land, but people willingly taxed themselves to support the half mythical struggles of a foreign

nation, the children emptied their money-boxes, and Rückert sang,

> Spirits all who thanks have given
> Greeks of old for wisdom's word,
> By your side would fain have striven,
> Pray for victory for your sword.

In educated circles, an interest in the warrior tribes of the south-east had been awakened years before by Byron's glowing descriptions and by the beautiful folk-songs of modern Greece, and this interest had been kept alive by the numerous Greek students at the German universities. Now it seemed that reality was surpassing the boldest dreams, for the newspapers were continually giving accounts of the daring voyages made by the swift-sailing "Dolphin" of Hydra, and of the successful mountain fights of Odysseus and his dauntless klephts. Upon the sea and in the hills the Greeks remained victorious, and if defeated in open fight they died gloriously on their shields, while sentence had been passed upon the Turks since after a horrible massacre they had transformed the blooming isle of Chios into a desert. A number of German warriors hastened to the flag of the Hellenes, unfortunately a very mixed company. Besides the Napoleonic mercenary General Normann of Würtemberg, the man who at Kitzen had mowed down the Lützow volunteers, there came great hearted enthusiasts like Franz Lieber, who, outwearied by the attentions of the demagogue hunters, now sought the ideal of freedom in the east, and with him came other youthful enthusiasts whose only aim was to steel their energies for the coming struggle on behalf of German freedom. In the polite world, Crown Prince Louis of Bavaria and the king of Würtemberg were the recognised leaders of the philhellenes. Louis regarded the Greek cause almost as if it had been his own, financed it with princely munificence, and constrained his muse to a number of philhellenist effusions:

> Thou, of nobler manhood the true cradle,
> Highly gifted Hellas, conquer, conquer!

Alike by liberal and by æsthetic enthusiasm, this prince was drawn to the Greek camp. But men of ultra-conservative inclinations, like the convert Beckedorff of Berlin, refused to follow the Hofburg in the campaign of the crescent against the cross. Even the gentle Tiedge, the devout and contemplative poet of peaceful

electoral Saxon life, sang the fight of the Greeks against barbarism. Marwitz, with customary outspokenness, stormed against the godless *Oesterreichische Beobachter* which could not grasp that in this war against a homeless horde it was the Greeks who represented the forces of conservatism ; nor was it long before whispers were current that the collecting boxes for the Greeks had been enriched by notable contributions from King Frederick William and King Max Joseph—for the two well-meaning princes felt with an unexpressed shame that for centuries past the quarrel among Christian nations had involved a grievous sin against the rayah peoples. Niebuhr, too, who judged the Latin revolutions so harshly, devoted to the cause of the Greeks all the enthusiasm of his great heart, hoping that he would live to see the day when to the last clod of European earth would be restored the freedom of western civilisation.

Notwithstanding all the fantastic credulity, and despite all the learned crotchetiness, which contributed to philhellenist enthusiasm, this enthusiasm was not solely the outcome of nebulous sentimentalism, but had also a core of sound political instinct. The Germans perceived obscurely that this uprising of the east would ultimately lead to the mitigation of the intolerable pressure which burdened the European continent, and far from being pro-Russian, they hoped that the liberation of the eastern Christians would impose an obstacle in the way of Russia's secret plans of conquest. Hence the philhellenist topical poetry which now began to flourish luxuriantly, while producing a number of sterile blooms, put forth also a few ripe fruits, among the latter being the ardent odes of Waiblinger, the Swabian, and above all the fiery Greek songs of Wilhelm Müller of Dessau. The last-named, an amiable young poet, had already attained success with deeply-felt love-songs, and with fresh chants celebrating the joys of wine and of wandering. Now, towards the close of his brief and fortunate artistic career, he once again gave vent in vigorous and melodious tones to the fine youthful ardour of the Germans' War of Liberation, in which he had himself fought as a volunteer, inspired with that magnanimous faith and fervour which in attaining freedom for the fatherland hoped also to secure freedom for all the nations of the earth. Here German feeling masqueraded in foreign dress. Müller's *Song of the little Hydriot* sounded like an echo of Arndt's *The Oath of Robert, the German Boy*. More plainly than in the newspapers could the hatred of the liberal world for Viennese statecraft find expression in such poems as these. " E'en the Turkish

Sultan's cushion, Europe counts among the thrones!" angrily exclaimed the poet; while as a rejoinder to the *Oesterreichische Beobachter* ["Observer"] came, "All the peoples' daily doings, lifelong from the dust observe"; and for the yeasty impulse to action that animated the younger generation he found expression which re-echoed unmistakably at a later date in Becker's *Rhine Song*, and in *Die Wacht am Rhein*,

Whoe'er for freedom fights and falls, his fame shall never pale,
So long as, of free airs compact, blows free the joyous gale,
So long as rustle free the leaves in every woodland green,
So long as free in every stream the flowing water's seen,
So long as free the eagle's wings still pulse athwart the skies,
So long as freedom's glorious breath from spirits free doth rise.

Notwithstanding the contributory religious enthusiasm, the force of philhellenism remained essentially a force of opposition, and for this reason was more conspicuously manifested among the liberal South Germans than in the more tranquil north. In Switzerland, too, it was the liberal cantons which were most zealous in the great cause. Frei reminded the Protestants of Appenzell that their free fathers had once held a day of supplication, praying God to protect the cause of Frederick and his Prussians; how then, he asked, could the sons look on coldly at the new struggle for freedom in the east? Eynard, the great banker of Geneva, came to the help of the Greeks with abundant financial resources, assisting at the same time in the spread of philhellenist clubs throughout France. In the west, the movement assumed a distinctively liberal character, although a certain number of ultras also espoused the Greek cause, and Bonald, who since de Maistre's death had been the most notable among the clericalist writers, went so far as to declare in the *Journal des Débats* that the holiest legitimism was that of reason and truth. Casimir Delavigne, who in *Les Messénievnes* had just been lamenting the misfortunes of France, now described in a new Messenian ode how freedom, scared away from cowardly Parthenope, had removed to Hellas, to perish there on the battlefield:

La Liberté fuyait en detournant les yeux,
Quand Parthénope la rappelle.
La déesse un moment s'arrête au haut des cieux;
"Tu ma's trahi; adieu, dit-elle,

Je pars.—Quoi ! pour toujours ?—On m'attend.—Dans quel lieu ?
—En Grèce.—On y suivra tes traces fugitives.
—J'aurai des défenseurs.—Là, comme sur mes rives,
On peut céder au nombre.—Oui, mais on meurt ; adieu ! "

More optimistic, bolder, more challenging, was the muse of England's two revolutionary poets. Thomas Moore, apostrophising the torch of liberty, wrote :

From Greece thy earliest splendour came,
To Greece thy ray returns again.

Byron joyfully acclaimed the stings of the Spanish fly and the Attic bee. Lord Erskine, Trelawny, and many other whigs of note, laboured by word and deed for the Greek cause, and the adventurous seaman Cochrane, the predatory mercenary of the revolution, who was still fighting in America against the Spaniards, was already drafting plans for a Hellenic naval campaign.

Although Moore's hope that the league of princes would be countered by a league of peoples was not fulfilled, nevertheless there did arise a widely ramified party movement, sufficiently powerful to dominate the great majority of European newspapers, and to expose to universal detestation the name of the Holy Alliance, which was held responsible for the misdeeds of the eastern powers. A new work by Görres, *Europe and the Revolution*, at once the most confused and the most revolutionary of his books, faithfully reflected the obscure excitement of the time. It opened with the gloomy warning that the Sibyl of Cumæ had already before the eyes of the hesitating rulers committed eight of her nine books to the flames ; soon would she return with the last of her treasures, peace ! From this the writer went on to repeated prophecies of an approaching horror, of a terrible collision between the old order of the east and the new and free order of western Europe. The only impression ultimately left in the minds of the readers, after perusing a wealth of apocalyptic images, was that the old continent was rotten to the core, and that in Germany, above all, " everything was hopelessly distorted and insane."

The collapse of the Italian revolution had indeed alarmed the liberal world, and yet had served merely to increase discontent. The longer the valiant resistance of the little Greek nation persisted, the more confident became the hope that the policy of the Viennese court was, in the east, about to experience its first severe reverse.

CHAPTER IV.

ISSUE OF THE PRUSSIAN CONSTITUTIONAL STRUGGLE.

§ 1. NEGOTIATIONS WITH THE ROMAN SEE. CLERICALIST MOVEMENTS.

In Berlin the new constituent committee, under the presidency of the crown prince, was preparing to pass sentence upon Hardenberg's communes' laws. Meanwhile the chancellor was unconcernedly peregrinating the towns of Italy, as if the collapse of his work for the constitution had been a matter of no moment. In Venice he had a distressing rencounter with his old colleague Count Haugwitz, who had now become a confirmed drunkard; and here with youthful curiosity he visited the churches and art treasures, noting also with clear insight the political conditions of the country, the decline of Venetian commerce, and the irreconcilable hatred of the Italians for the Austrian authorities. When he reached Rome, in March, 1821, he found there an unusual concourse of foreign visitors. In addition to the crown prince of Bavaria, the regular habitué of the Roman museums, Prince Augustus of Prussia, Baron von Stein, and a number of distinguished Englishmen, regardless of the Neapolitan troubles, were visiting the city on the Tiber. The chancellor preferred the cheerful society of the German painters, delighting cordially in the blossoming of German art when Veit and Schadow showed him the new frescoes in the Casa Bartoldi. The distractions of travel engaged all his energies, and he could spare time only for one serious political task, the conclusion of the negotiations with the holy see.[1]

Just as all the marked contrasts of German life were especially conspicuous amid the wide relationships of Prussia, so also the maintenance of religious peace was nowhere exposed to greater

[1] Hardenberg's Diary, February and March, 1821.

difficulties than in the Prussian state, which, notwithstanding its old-established tolerance, nevertheless reposed upon a rigidly Protestant history, and which now exercised sway over a population composed to the extent of two-fifths of Catholics. Well-nigh half of these Catholic subjects were Poles, and were therefore by their very nationality estranged from the ruling house, while the majority of the German Catholics under Prussian rule dwelt in those crozier lands of the west which had of old constituted the nucleus of Roman power upon German soil, adjacent to the paradise of priests, the erstwhile Spanish Netherlands. Two of the three spiritual electorates of the Holy Empire, Cologne and Treves, were now almost entirely incorporated in Prussia, which possessed likewise portions of Mainz, as well as Paderborn and Münster, the two northern strongholds of clericalist sentiment. Not even Old Bavarian Catholicism was so hostile towards the modern state, since in Bavaria the church had for centuries been accustomed to the strictly exercised ecclesiastical supremacy of a popular and orthodox ruling house. In the spiritual princedoms, territorial suzerainty had always been regarded as a mere appurtenance of the episcopal office, and here it seemed altogether incomprehensible that the state, the servant, could ever rule over its mistress, the church. Even the revolution had merely shaken, without destroying, these profoundly inracinated ecclesiastico-political views of the Rhenish people. The strict ecclesiastical supremacy of Bonapartism was endured, because no one dared to challenge the dominion of the sabre, and because Napoleon was the mighty protector of the Roman church. But as soon as the authorities of the Protestant king of Prussia began their peaceful rule, they encountered everywhere the mistrust of the Catholic population. It was precisely here in the north-west, in the territories of Cleves and Mark, where the creeds were intermingled, that the young Hohenzollern monarchy had two hundred years before first made trial of its tolerant ecclesiastical policy; now this monarchy was faced with the far more difficult task of habituating also the nuclear lands of Catholic unity of belief and of theocratic outlook to the common law of a state in which parity of belief prevailed. All the enemies of Germany believed that the undertaking was foredoomed to failure, and they confidently hoped that the Greek gift of these western provinces would lead to Prussia's destruction.

In such a situation, the Prussian crown must endeavour to avoid all needless disputes with the pope, and the government

had no illusions, understanding clearly that a formal recognition of its ecclesiastical supremacy could never be expected from the curia. Under Frederick the Great, the Roman see had tacitly endured the supreme episcopal authority of the territorial sovereign, which Rome had passionately contested in Austria down to the days of Joseph II., doing this because she knew full well that the strong crown of Prussia granted a freedom to the Catholics under its sway such as was permitted by no other Protestant prince of those days. But since then the world had been transformed. The equal rights of the creeds were recognised throughout Germany, and the federal act specified in plain terms that no difference in the enjoyment of political rights must be based upon differences between the various Christian sects. Secularisation had destroyed the wealth of the German church, but had also immeasurably increased the power of the pope in relation to the propertyless clergy. The curia was at length in a position to give open expression to that which it had never ceased to think, namely, that it aimed, not at equal rights for the creeds, but at the supremacy of the only church in which salvation could be found. Even to the Imperator, Cardinal Consalvi ventured to say bluntly that the church would never recognise the principle of religious liberty; and since the re-establishment of the Jesuit order, the profound contrast in respect of principle which separated the Roman theocracy from the modern state had been clearly displayed. In this no change could be made either by the kindliness of heart of the pope (who was characterised by a child-like piety), or by the diplomatic moderation of his prudent cardinal secretary of state, or by the genuine respect which both felt for the king of Prussia.

Since Wilhelm Humboldt's tenure of the embassy in Rome, diplomatic intercourse between the curia and the court of Berlin had been conducted on the most friendly terms. The two courts regarded one another as comrades in misfortune, for it was on them that Napoleon's heavy hand had fallen with especial weight; nor did Pope Pius forget how zealously at the congress of Vienna Hardenberg had intervened on behalf of the re-establishment of the Pontifical State. Nevertheless King Frederick William took a thoroughly sober view of the relationship between his throne and the Roman see, and when Niebuhr left for Rome in the year 1816 the king assured him that it was useless to expect the pope to yield upon a point of principle. But on his own side he was unwilling to renounce the territorial principles of the

Prussian civil code which his tutor Suarez had impressed upon his mind in early youth. The civil code recognised neither pope nor Roman Catholic Church, but only the "religious associations" existing in Prussia, to which the state allotted rights at its own discretion. The king held firmly to this monarchical supremacy, but he interpreted it in a different sense from his great uncle. He considered it his duty as a Christian monarch, not simply to practise toleration towards the creeds, but also to exercise a direct influence upon religious life in general. In making appointments to vacant territorial episcopates, the great king had always by preference chosen such prelates as seemed devoid of danger to the state, without making much inquiry regarding the purity of their life or their faith. Frederick William wished for pious princes of the church, who would revive Christian sentiment. He proposed to equip his new territorial bishops with royal munificence, to enable them to fulfil with adequacy the duties of Christian charity; and during the congress of Aix-la-Chapelle he offered the see of Cologne to the venerable Sailer, without success unfortunately, for the aged prelate would not leave his Bavarian home.

Like the king, his advisers also began to feel that in the transformed time the old Frederician ecclesiastical policy required some modification. Schuckmann, indeed, and Raumer, would not yield a jot of the rigid principles of the civil code, and regarded the Roman church with unconcealed mistrust. Even Count Solms-Laubach took a somewhat similar view, for, as lord-lieutenant in Rhineland, he had frequently had to cross swords with the vicariate general of Aix-la-Chapelle. The pious Nicolovius, on the other hand, still retained in faithful memory the serene image of that devout and spiritual Catholicism which he had long before learned to love in the godly circle of Princess Galitzin, almost forgetting the while the love of political power and dominion characteristic of the Roman church, so that imperceptibly his views became approximated to the religious and political principles of his colleague, Privy Councillor Schmedding who, though a reasonable and sober-minded man of affairs and almost a rationalist, nevertheless had not completely shaken off the clericalist leanings of his native Münsterland, and who was willing to go a long way to meet the claims of the Roman curia. Schmedding's opinion had all the more weight because he was the only Catholic and the greatest authority on canon law in the ministry of public worship and education. Almost all the other advisers

of the crown lacked intimate knowledge of the Roman church, a defect which has remained characteristic of the Prussian officialdom down to the present day. They applied their serious Protestant ideas to the Catholic world, regarding the ultramontanes, who were essentially a political party, as spiritually akin to the party of Protestant orthodoxy, and had no idea how to deal with these Catholic clerics, who from school days onwards had been indoctrinated with the Roman arts of "silere, dissimulare, scire, et tolerare posse"—for the quiet strength of conscious power has ever fine perceptions, and knows how to make ruthless use of any instability on the part of the secular authorities. Thus were renewed within the Prussian government the same struggles which a generation before had agitated the literary world when in the *Berliner Monatsschrift* Nicolai and Biester had attacked the Jesuits and the obscurantists while F. H. Jacobi had in rejoinder defended the rights of the devout. Truth and error were strangely intermingled on both sides, and Altenstein's tact made him feel that, in this controversy, the minister of public worship and education must avoid unconditional adhesion to either side.

Niebuhr, envoy in Rome, held another view of ecclesiastical policy, and one peculiar to himself. Prussia was the first Protestant court to be represented in the Vatican by a permanent embassy. This embassy had hitherto served merely for the discharge of insignificant current affairs, and acquired political importance now only, when the institution of the new territorial bishoprics was imminent. In the appointment of Niebuhr, Hardenberg was guided by the consideration that only a Protestant and a man of the world, invulnerable to the spiritual weapons of the curia, could conduct the negotiations to a satisfactory issue: but the new envoy must not be a man of high office, lest it should occur to the pope in his turn to send a nuncio to Berlin, which the king would never have agreed to. This was why Niebuhr was chosen; the man of great learning could replace what was lacking in rank by the power of his name and personality. The choice proved a happy one. Niebuhr quickly acquired great prestige in Rome, gaining the confidence of Consalvi, secretary of state, of Cardinal Capaccini, the distinguished mathematician, and of other princes of the church. Pope Pius, who in earlier years had been a professor of Greek, distinguished Niebuhr with marks of honour above all the other diplomatists, feeling quite in his element when, after the chatter of the salon, he could listen to the brilliant and yet innocent and good-natured conversation

of the Prussian envoy; it was ever a delight to him to give the historian support in his investigations, or to send him fruit and flowers, or from time to time a costly gem. Consequently in the year 1819 Niebuhr could venture to introduce a regular Protestant religious service in the embassy. More than a century earlier, the chaplain of the Prussian grenadiers had for the first time preached the free gospel upon the soil of the Pontifical State; now Sunday after Sunday, a Protestant congregation assembled in the old theatre of Marcellus, and their pastor, first Schmieder and subsequently Rothe, need not fear comparison with the leading preachers of Rome.

Niebuhr had grown up in the purely Protestant atmosphere of the German north, and was permeated by the democratic ideas of the secular priesthood. But his profound religious sensibilities also endowed him with an amiable understanding of those energies of living Christianity which Catholicism had preserved even in its secularisation. He had remained on terms of intimate friendship with the brothers Stolberg, much as he had disapproved of their conversion; and he venerated the Roman church as a conservative force, a declared enemy of the revolution, a power which could help to control the undisciplined new generation. His judgment of Wessenberg's dreams of a national church was severe but apt. He knew that the pope, if only from mistrust of the episcopalists' arrières pensées, was now less inclined than ever to permit any extension of episcopal authority; he knew the imperturbable obedience of the Rhenish Westphalian Catholics, and that nothing would ever induce them to take the side of a schismatic bishop; while his intimate knowledge of ecclesiastical history led him to regard the easy-going expectation that the German episcopate would be tolerant and peacefully minded, as dubious, to say the least of it. Indeed, the blackest act of modern Catholicism, the expulsion of the Huguenots, had not been the work of the pope, but of the very Gallican national church whose liberalism Wessenberg's liberal adherents were accustomed to extol. Niebuhr was fond of repeating the saying of his predecessor Humboldt, that negotiations with the curia either prove readily successful or else utterly fruitless; and he advised against the hopeless attempt to shake a papal non possumus either by reasons or by threats.

Notwithstanding this perspicacity, he was, like most of his contemporaries, deceived regarding the vitality and the ultimate aims of the re-established papacy. When he contemplated this

venerable and gentle high priest, when he considered the modest measure of intellectual powers displayed by the Vatican—the questionable learning of Cardinal Mai (the great philological luminary of the church), and the indubitable innocence in matters of knowledge characteristic of the other monsignori—it seemed to him that he had before his eyes a declining power, one which would still move harmlessly along for a time until its final extinction, and he was far from imagining that this weak papacy would ever be arrogant enough to maintain an episcopal preferment unwelcome to the king. Even in the very days when the "papa nero," the general of the Jesuits, had returned to the side of the "papa bianco," Niebuhr could write: "Rust has eaten away the spiritual weapons of Rome, and the hand which once wielded them is palsied with age." At times, indeed, he was disquieted by the first stirrings of the newly awakened "archpriestly, positively jesuitical Catholicism." Nevertheless he considered it would be possible to secure a favourable concordat, if only the state would prove accommodating in matters of form, and would encounter the curia without mistrust; in that case it would even be possible to come to terms about mixed marriages.

Since the views in governmental circles were still so divergent, the chancellor considered it inadvisable to attempt any hasty understanding with the Roman see. Moreover, the labours of the years of transition and the institution of the new ministry of public worship and education delayed the opening of negotiations. Niebuhr was extremely uneasy during this long time of waiting, and the bishops of Paderborn and Corvey were much aggrieved by the interminable uncertainty. But the hesitation was advantageous to the crown, for time was gained in which to become adapted to the new situation, and in which to learn the sentiments of the holy see from the experience of the other states which were negotiating in Rome. In actual fact, this experience proved extremely instructive. Bavaria arranged the unhappy concordat whose carrying into effect remained a subject of dispute for years to come; shortly afterwards, Naples also made a convention with Rome, by which the rights of the state authority were limited even more narrowly than before; while the new French concordat arranged by Count Blacas aroused such fierce anger in the Chambers that the crown did not venture to enforce it. Still plainer was the significance of a memorial which Cardinal Consalvi sent to the Hanoverian envoy under date September 2, 1817. In this document all right of supervision

over the church was bluntly denied to the state as "a purely political institution." The prince's sole duty was to protect the church with his serviceable arm; this was his duty whether he was Protestant or Catholic, for the strayed sheep also belonged to the holy father's flock. When the state provided an income for the church, the former was merely restoring the latter's own property. Consequently the bishops, whose appointment was of the Holy Ghost, required no approval on the part of the state authority. The clergy must not be subjected to any secular jurisdictions, and their education must be left exclusively in the hands of the church. The memorial contained nothing beyond the familiar and immutable claims of Roman world-dominion; the only remarkable thing about the matter was that the gentle pope should flaunt these intimate secrets in the face of the king of England-Hanover, who only three years before had made the holy father a present of the restored Pontifical State.

It was impossible that a self-respecting state should ever come to a complete understanding with a power that cherished such principles. In May, 1818, therefore, Altenstein advised that the king should avoid any formal exposition of his suzerain rights, and should merely treat with the curia regarding a reform which by ecclesiastical law could not be carried through without the pope's consent, namely, the delimitation and equipment of the new territorial bishoprics. Nearly two years elapsed before this reasonable view secured full acceptance. It was not until May, 1820, that the envoy in Rome was instructed to inform the curia under what conditions the king would approve the issue of an episcopal areas bull; and, now that he had a definite aim to work for, Niebuhr conducted the negotiations firmly and warily, in the grand style. The crown avoided all demands conflicting with the principles of the curia, and voluntarily offered to endow the bishoprics so liberally that the pope, astonished and delighted, gladly entered upon the more narrowly conceived negotiation, although he had at first desired to effect a comprehensive concordat. He subsequently declared that in this king he had encountered, not a Protestant prince, but an heir of Theodosius the Great. In the discussion of details, Niebuhr proceeded with meticulous conscientiousness (so that Consalvi complained that the Prussian made him "sweat too much"), but with undissimulated good feeling, and quite without hidden motives. The friendly understanding was never disturbed for a moment. In order to safeguard the liberty of the Protestants, the envoy insisted that

only the Catholic parishes and churches, with their congregations, were to be assigned to the new dioceses, and not the entire state-domain as the curia had desired.

Nine bishoprics, considerably greater than those in Bavaria, were to exist henceforward. In the east, there were to be the united archbishoprics of Posen and Gnesen, the suffragan bishopric of Kulm, and the bishoprics of Breslau and Ermeland directly subordinated to the pope. In the west, the Napoleonic bishopric of Aix-la-Chapelle and the small bishopric of Corvey were abolished, being replaced by the archiepiscopal see of Cologne; and there were three suffragan bishoprics, Treves, Münster, and Paderborn. Timid spirits dreaded lest on the Rhine the masses should regard the new archbishop as the successor of the old electors, as the true territorial suzerain. But the king had more confidence; and where else than in Cologne cathedral could be the see of the leading Prussian prelate? All these bishoprics, with one exception, were within the Prussian boundary. The diocese of the prince bishop of Breslau extended into Austrian Silesia, while County Glatz and certain other portions of Silesia remained in the dioceses of the Bohemian and Moravian bishops. Consequently the Silesian clergy were exposed to two foreign influences, proceeding from Rome and from Austria, and Lord Lieutenant Merckel urgently advised that the unfortunate exception should be abolished; but the crown paid no heed to his warning, for the court of Vienna, after its custom, desired to maintain the existing order, while the bishopric of Breslau still possessed much landed property in Austria, whereas in Prussia, since the secularisation of 1811, it had been almost devoid of resources.

In the east, the episcopal preferments were effected, strictly in accordance with ancient tradition, by a pseudo-election, in which the influence of the crown was decisive. The Breslau chapter and the four cathedral chapters of the west nominally enjoyed the right of free choice, but they were to be instructed by a papal brief that they must elect some one acceptable to the king, and to make absolutely certain of this acceptability before proceeding to the election. Thus happily was avoided the dangerous *scrutin de liste*, which can so readily be misused for the evasion of state supervision. The crown was empowered to exclude unconditionally every candidate of whom it disapproved; it was even possible to declare to the electors in any given case that one person only would be regarded by the

crown as a persona grata. Never before had the curia formally conceded such effective rights to a Protestant prince ; the concession was made on this occasion because the king restored to the church as much of her old wealth as it was still possible to restore after the secularisation of recent years. The prescription of the principal resolution of the Diet of Deputation which assigned the churches the unrestricted enjoyment of the incomes from their lands and their educational endowments, could no longer be literally fulfilled without infringing newly established rights ; the king therefore promised a supplementary payment from the state which, down to the beginning of the forties, gradually increased to attain the figure of 712,000 thalers, whereas the more frugal Evangelical church had to be content with 240,000 thalers for its far more numerous congregations. The two archbishops and the prince bishop each received 12,000 thalers per annum, in addition to the free use of their palaces. How strikingly this contrasted with the parsimony of Napoleon. For the bishoprics of Aix-la-Chapelle and Treves, France had allotted barely 53,000 francs ; now, for the new dioceses of Cologne and Treves, comprising almost the same area, Prussia was disbursing six times as much, nearly 92,000 thalers, a sum which before long was notably exceeded.

About all these matters Niebuhr had already come to terms with Consalvi. His attitude had been exemplary, far more cautious than might have been anticipated from his confidential utterances concerning the curia, and the touchy man might well feel affronted when Hardenberg suddenly turned up in Rome in order to close the barn doors behind the harvest which had already been safely carted. A single conference between the chancellor and the cardinal settled the whole matter.[1] On March 25, 1821, the agreement was signed. Hardenberg, availing himself of the right which accrues to the leading statesman alike in the officialdom and in parliament, unconcernedly claimed all the thanks and all the honour for himself. In the bull *De salute animarum* (July 16th), the pope specified the new delimitation of the Prussian dioceses, once again declaring how gratefully he recognised the goodwill of the king, who had met his own wishes so marvellously (*mirifice*). The episcopal areas bull was promulgated by the king in virtue of his suzerain rights, without prejudice to these or to the Evangelical church. Next the brief which had been agreed upon concerning episcopal elections

[1] Hardenberg's Diary, March 23, 1821.

was issued, and was communicated by the government to the chapters as a binding prescription. But the *Staatszeitung* declared officially that the conclusion of a concordat, an understanding regarding the relationship of the supreme spiritual authorities to the secular authorities, had been intentionally avoided: "The king could not subordinate to foreign recognition the plenitude of his supremacy, that supremacy to which were attached dear duties towards his people imposed on him by God; he could not permit the free use of this power to be restricted by limiting conventions." Thus the crown retained a firm grasp of all the competence of ecclesiastical supremacy which was allotted to it by the Prussian civil code and by Napoleon's organic articles. The state authorities alone mediated in official intercourse between the Roman see and the bishops; they exercised censorship over ecclesiastical writings, supervised all educational institutions and the examination of candidates. No clerical order could exist without their permission, and in the western provinces, apart from scattered Catholic institutions for the care of the sick and for the education of young women, there existed no more than a few quite unimportant monasteries. In the streets of Rhenish towns a monk was so unprecedented a phenomenon that on one occasion a guard at Bonn enquired of the postmaster in alarm whether it was permissible for him to admit to the royal diligence a Franciscan who had bought a ticket. The Prussian government was furnished to excess with the rights of ecclesiastical supremacy. Yet the government felt insecure, for, with vision circumscribed by the Protestant horizon of the north-east, it was impossible for it to understand what momentous transformations were gradually being initiated in the sentiments of the Catholic world.

The literature of our classical age had exercised no more than a superficial influence upon German Catholicism, but had none the less fertilised it with certain Protestant ideas, and by the new ideal of humaneness had everywhere mitigated the acerbity of religious sentiments. The romanticist school was the first to reawaken in this slumbering world the impulse to creative activity, and, as the outcome of that awakening, a crowd of talented Catholics came to join the ranks of our poets and thinkers. Romanticism here exercised a consolidating influence, by communicating to Catholic Germany the acquirements of an essentially Protestant thought-process; but it also unfortunately exercised a disintegrating influence, for all religion is positive;

consequently, together with the mighty upheaval in the energy of the religious sentiment which followed Schleiermacher's first appearance and the profoundly moving experiences of the War of Liberation, there reawakened also in unanticipated strength the consciousness of religious contrasts. In German life, ever full of contradictions, there have invariably existed strange ramifications upon the main tree-stem of ideas. How often before had fundamentally diverse intellectual forces sprung from the same branch, or grown together for a brief period, subsequently to diverge widely. So now there sprouted from the vigorous twig of romanticism, simultaneously with secular and free historico-philological research, a very different shoot, a strictly Catholic science, intolerant, contentious, dogmatic through and through, a view of the world-order which in the necessary course of its growth ultimately discarded the romanticist ideal for the Roman, and came into the most irreconcilable conflict with the entirety of modern German culture. Once more, as of old in the days of the counter-reformation, the Roman church knew how to attack Protestantism with its own weapons, with the weapons which had first been whetted for the church by Friedrich Schlegel and the other converts belonging to the circle of romanticist poets.

At the universities of Tübingen and Freiburg, Protestant princes liberally supplied Catholic theology with financial resources and materials for instruction. Under the protection of an academic freedom which had been almost unknown to the Catholic universities of the eighteenth century, there now developed a respectable learned activity. Breaking completely with the Latin culture of the earlier Jesuitism, it docilely adopted the language of the new literature, that Lutheran German which had in former days been strictly banned. It utilised for its own purposes the entire armamentarium of Protestant criticism (in so far as criticism was possible in the realm of the authoritative church), and no long time elapsed before, in scientific alertness, German Catholicism excelled all other branches of the Catholic church. It owed this advantage in great part to its continuous contact with the Protestant world, for in Austria, where such contact was lacking, there was little trace of scientific life. In the early twenties a number of talented young theologians began to rise to prominence: Hirscher, Drey, Staudenmaier, and later Möhler and the younger Windischmann, a circle of divines who soon became known as the Tübingen school.

Not one of these professors was at all fanatical, and Hirscher

was even of a gentle and peace-loving nature. But the attitude of all of them towards Protestantism was utterly different from that of those easy-going, tolerant, worldly-wise clerics of the good old days, who had affixed over the portal of the Catholic church at Graudenz the inscription: "We all believe in one God, and love unites us all." These theologians of the new school regarded themselves as champions of the only saving faith against the errors of heresy, and (though most of them still recoiled from the Society of Jesus) a school which rejected on principle any concession to Evangelical Christianity, must ultimately and of necessity, in view of the forcible logicality of the Roman church, lead inexorably to Romish papistry. Looking back from the vantage-ground of to-day, we discern with absolute certitude what at that time it was impossible to foresee, that the Jesuitic Catholicism of the present time is directly derived from those well-meaning and moderate Swabian theologians. The most brilliant of them all, Johann Adam Möhler, a profoundly religious and noble-minded man, who had sought refuge in the world of ideals to escape serious spiritual struggles, displayed himself an active opponent of Protestantism in his first great work, *The Unity of the Church.* With the help of those artificial historical constructions which he had borrowed from the Protestant philosophers, he attempted to prove that tradition is a power for freedom, that Holy Writ itself was first created out of tradition, and that the primacy of the pope existed already in the germ in the very beginnings of Christianity. His conclusion was that the invisible church of the Protestants set death in the place of life, that Protestant principles were "opposed to all communal life, and necessarily therefore to all Christianity." So powerful already was the religious impulse of the time, that even the rationalistic theological school of the Hermesians, which had long been suspect to the zealots, could not entirely escape this tendency. When Hermes, with the aid of the formulas of Kantian philosophy, endeavoured to establish Catholic dogma upon a rationalist foundation, he continued to stand firmly upon the groundwork of the Roman church, and nothing was further from his mind than with the aid of the great heretic of Königsberg to build a bridge to Protestantism. His pupil Gratz of Bonn, who had gone so far as to adopt some of Lessing's hypotheses regarding biblical criticism, nevertheless founded a newspaper, *Der Apologet des Katholicismus,* for the confounding of all heresy.

In the field of science the Roman church could never

be dangerous to German Protestantism, for Rome could not possibly endure unprejudiced investigation. All the more vigorously therefore did she practise her old art of dominion in busy social and political activities. There were already many signs whereby it was possible to recognise the subterranean work of the re-established Jesuit order, and the future promised this order yet richer successes, for the Collegium Germanicum had been reopened, and the German pupils of the Jesuits, the " gamberi cotti," were seen in their long red coats, as before the days of Ganganelli, marching decorously three by three through the streets of the eternal city. Isolated Jesuits had ere this been admitted to Austria under the harmless name of Redemptorists. Emperor Francis, who had exercised his ecclesiastical supremacy with the harshness of a suspicious nature, acting almost as rigidly as his uncle Joseph II, had recently, since his Roman journey, showed himself somewhat more indulgent towards clericalist aims, for when he was in Rome the pope had handed him a memorial filled with moving lamentations concerning the neglected condition of the Austrian church.

The more gentle and placable among the German clergy hardly noticed as yet what this reawakening of the fighting forces of the counter-reformation signified for religious peace in our country, with its parity of creeds. It is true that Salat, in Landshut, and a few other Bavarian priests raised warning voices against the Jesuits ; but their polemic writings received little attention, for these in respect of form and content continued to display the spirit of the Illuminati of the old days, and this spirit was now outworn. Even Sailer, who had so often been calumniated by the clericalists, and whose appointment to the episcopal see of Augsburg the pope had just refused to confirm, regarded the reinstatement of the Society of Jesus as a mere act of atonement for past injustice ; while many other priests whose sentiments were far from being ultramontane still felt profoundly shaken by the horrors of the revolution, and hailed the Jesuits as allies in the struggle against unbelief. It was a sign of the times that the good Lorenz Westenrieder, the diligent and laborious student of Bavarian history, who in youth had at times incurred the displeasure of his spiritual superiors by the expression of free-thinking principles, should now come forward in his *Historical Calendar* as a panegyrist of Jesuitism. Nothing but a great national institution, he declared, can prevail against the national disease of revolution ; consequently imperishable renown

would attach to the holy father because by the re-establishment of the Jesuit order he had found the safest means " of helping the cause of religion and morality, of safeguarding our princes, and of tranquillising our peoples."

The new means of power which the revolutionary legislation offered were mastered by the clericalist party with admirable skill. Associations and newspapers, both of which had hundreds of times been declared accursed by the curia, soon became terrible weapons in the hands of the ultramontane propagandists. In the devout thirteenth century, Rome had founded the mendicant orders for the enslavement of the masses to herself, now, in the secularised century of the revolutions, arose the new greatness of the ultramontane press, fulfilling the duties of religious demagogism with like zeal and with similar success. The first impulse proceeded from France. There came into existence in Paris, under the direct or indirect leadership of the Jesuits, three great clericalist societies which in the popular mouth were known by the general name of " les congrégations." The press of the ultras received its instructions from these circles, and the royalist clericalists were now joined by a purely religious publicist, the Breton, Lamennais, a man who went his own way in politics, but whose demands in matters of religion almost outbade those of the congregations. A brilliant orator, inspired by the ardent Catholic fanaticism of his Celtic home, in his *Essai sur l'indifférance en matière de religion* he bluntly demanded the subordination of princes to the pope on the ground that in the infallible church alone was revealed the divine reason as contrasted with the madness of the individual reason, and that obedience to the secular authority was not due unless this authority was subject to divine law. Here and there were also to be found isolated liberal ultramontanes, for the Roman church makes it a matter of principle to have no principles in secular political questions, and the chivalrous young Count Montalembert had already selected as his life motto " Dieu et Liberté."

In Germany, Mainz was the home of the clericalist press. Here, from 1820 onwards, two young divines, Weis and Räss (later bishop of Strasburg), published *Der Katholik*, a well-written periodical, which with increasing frankness conducted a campaign against the sovereign state and against Protestantism. An entire school of militant theologians won their spurs in these dissensions, and young Johannes Geissel excelled all the rest. Görres also co-operated, and so did Christian Brentano, brother

of the poet, a man of pious disposition, but in whom the flushes of heat characteristic of the Brentano blood did not fail to find expression. Görres was now advocating the view that the state subsists in the church, the former being an instrument of the latter's loftier aims; he had by now become so completely subject to religious intolerance that after his fantastical manner he contrasted the heliocentric system of Catholicism with the geocentric system of Protestantism, distinguished by its kinship to the earth spirit. From the earth spirit to Satan was but a step.

Vis-à-vis the state, the party employed two new battle cries, toleration and ecclesiastical freedom. Both these ideas had first secured the possibility of realisation upon the soil of Protestantism; now they were misused by the opponents of Protestantism to attack the sovereignty of the secular state, the most characteristic work of the Reformation. It was in this sense that Christian Brentano wrote concerning the Bavarian negotiations for the concordat, and in this sense too that J. F. J. Sommer of Arnsberg, writing as "Westphalus Eremita," composed his book *The Church of these Days*. The Westphalian conservative, a zealous adherent of the feudalist party, wished to see the Germans recognised as "citizens of two worlds," and in all innocence he denied that ultramontanes were still to be found in Germany; the only papists of to-day, said he, were the advocates of that absolute state authority which in "the century of the police" had inflicted such deadly wounds upon the freedom of the church.

There soon appeared a notable professor to round off in a well-ordered system the new doctrine of Romish religious freedom. In Bonn, a select and strictly clericalist circle surrounded the talented physician and natural philosopher C. J. H. Windischmann. It was here that C. E. Jarke, the young lawyer of Danzig, received never-to-be-forgotten impressions, which were decisive for the course of his life, and led him to Rome. In the year 1822, Windischmann's son-in-law, Ferdinand Walter, published a convenient *Textbook of Ecclesiastical Law*, which in point of lucid and concise presentation excelled most compendiums of that day, and, running through thirteen editions, exercised enormous influence upon the ecclesiastico-political views of Catholic Germany. An able disciple of Niebuhr and the historical jurists, Walter had displayed in the War of Liberation his ardent enthusiasm for the German fatherland, just as, much later, amid the storms of the year 1848, he proved himself a loyal

and valiant Prussian monarchist. He made a point of expressing benevolent and tolerant sentiments towards all creeds. Nevertheless the cautious propositions of his *Ecclesiastical Law*, despite their modern tone, gave unmistakable expression to a purely mediæval view of the nature of the state. He assumed the state to be " permeated by the church," and, quite in the sense of Gregory VII and Innocent III, he spoke of the *advocatia ecclesiæ*, the protectorship exercised by the state over the church, as " rather a duty than a right," the inevitable inference from which was that the secular arm must serve the spiritual. In all politeness, he gave a repulsive caricature of the constitution of the Protestant church. The slack complaisancy of the Protestants had long ago resulted in the general acceptance into the language, in a restricted sense, of the offensive expression " Catholic church," which had at one time been strictly forbidden by the imperial law ; on the other hand, the Romanists would not allow that the name of Evangelical church was valid. Each section of Walter's *Ecclesiastical Law* furnished detailed accounts of " the system of the Catholic church," followed by a brief description of the " views of the Protestants," as if these latter had been merely the subjective opinions of a small conventicle. Since he would not admit that Evangelical Christianity recognises no priestly order, and that for this reason its visible church, placed amid the flux of time, can neither promise nor withhold salvation, he was led to the extraordinary contention that the Protestant was bound to the church by nothing more than an agreement, a contention wherein an allusion to Rousseau's revolutionary *Contrat social* was manifestly to be read between the lines. The alert professor had but recently attained to his strict Catholic views, and still remained so receptive to the new currents of religious life that many years passed before he ventured to draw the ultimate conclusions from his ecclesiastico-political system, and the successive editions of his book serve like a barometer to show the gradual increase of the clericalist atmospheric pressure. In the first edition he had conceded the *placet* to the state, but subsequently almost every exercise of ecclesiastical supremacy on the part of the state seemed to him an excess of power tantamount to a persecution of the church, and justifying disobedience on the part of the faithful.

This new Romanism, whose existence was barely perceptible to those at a distance, was still in its first inception ; it controlled but few periodicals, and in the South German Landtags had no

more than isolated adherents, who rarely ventured to show their colours. Many of the older priests had grown up in the school of rationalism, or were inclined towards Wessenberg's ideas of a national church. In the *Breslauer Diözesanblatt*, which during the years 1803 to 1819 served the Silesian clergy as their platform, expression was frequently given to reforming sentiments, and in especial the introduction of the German tongue into the religious service was openly advocated, while the young canon, Count Sedlnitzki, could unconcernedly circulate the German Bible among his flock. But after the death of the gentle prince bishop von Hohenlohe-Waldenburg (1817) the ecclesiastical regime of Silesia became animated by a very different spirit, the *Diözesanblatt* succumbed, and here as everywhere strictly dogmatic views began to gain the upper hand among the clergy.

Small as it was numerically, the clericalist party was already on the up grade, and in talent, activity, and self-confidence, its members excelled the remaining representatives of the old and milder tendency, while in the whole outlook of this romanticist age they found an extremely grateful soil. What a fulcrum was afforded by dread of revolution. How easy was it to obscure the fact that the revolution of the sixteenth century had not been merely a destructive force, but in addition, and even more, a force of conservation, that Martin Luther had saved for the modern world the primitive spirit of Christianity. How alluring was the doctrine that upon the rock of Peter alone, the most firmly established of all authorities, would the waves of revolution break in vain. The romanticist world looked back with essential contempt upon " these days of darkness which illusion regarded as days of light," as Louis of Bavaria expressed it. Initiates rejoiced in the saying of Novalis that the enlightenment had loved the light on account of the latter's mathematical obedience and boldness, and with the enthusiastic poet they extolled the pious Middle Ages which preferred infinite faith to finite knowledge. In actual fact, infinite faith retained its power even in this century of proud culture, and the very highest circles of society had by no means outgrown a vulgar belief in the miraculous. In Franconia, Prince Alexander Hohenlohe practised cure by prayer upon an ever wider circle of patients ; he had restored sight to blinded court ladies and power of movement to paralysed princesses ; even the crown prince of Bavaria believed for a time that the holy man had cured his deafness (although this subsequently proved to be an error), and wrote portentously to a friend, " from

numerous points of view we live in great times."[1] Many pious spirits, looking back with longing to the primitive unity of Christianity, devoutly repeated A. W. Schlegel's celebrated lines:

> Europe was one in the great days of old.
> For one belief to fight all men were bold,
> And to one love the hearts of all were open.

They looked hopefully towards the papacy as the bulwark of universal Christendom, failing to mark in their intoxication that the church of the counter-reformation had long ago expelled those energies of evangelical freedom which the mediæval church had still possessed.

In the world of historical science, the harsh and biased Protestant view of the papacy which had prevailed during the eighteenth century had first been shaken by J. von Müller's *Travels of the Popes*. This booklet now began to exert its full influence. Walter, Hurter, Böhmer, and many others of the younger generation, owed to it the essentials of their ecclesiastico-political doctrines. The author, a historian sensitive to all the currents of his day, wrote the book to counteract the ambition of Joseph II, and to give vigorous utterance to the sole political idea to which he remained faithful throughout the protean transformations of his career—the idea of the balance of power, the condemnation of all attempts at world-dominion. He regarded the triumph of Gregory VII as a victory of the spirit over the force of arms! When the aged pope, a fugitive and an invalid, had given his soul for all the nations of the west, declaring to the kings, thus far shall your rule extend, " henceforward there existed a sanctuary against the wrath of potentates, the altar, and there existed also a sanctuary against the misuse of spiritual prestige, the throne, while the public weal was safeguarded by the balance between the two powers."

In his well-grounded zeal against the rigours of the Josephan state-authority, the talented professor quite overlooked the consideration that a power desiring to prescribe to all the kings of the earth the limits of their authority would itself be forced to strive for world-dominion, and that the attempt to secure such dominion had actually been made by the triple-crowned priests of the Middle Ages. Müller had worked a miracle, justifying the most absolute authority known to history by an appeal to the idea of liberty, and the growing ultramontane party did not

[1] Zastrow's Report, July 17, 1821.

hesitate to utilise for its own purposes the bold paradox of the Protestant thinker. Walter did not venture more than a suggestion that European policy, which had for so long been ruled by force and cunning, might possibly in days to come (peacefully, of course, and from within outwards) pass once again beneath the mild and arbitral sway of the vicegerent of Christ. For the present, the satisfaction of Müller's demand would suffce. There should exist a balance of power between the state and the church, with complete freedom for both authorities; and since upon this generation, embittered by foolish police interference, the great name of freedom exercised an irresistible influence, the clericalist notion of ecclesiastico-political dualism gradually acquired a few isolated adherents even in the liberal camp. For German historical research in general, Müller paved the way to a juster appreciation of the mediæval church. No strictly clericalist historian of note had as yet appeared, but in the repose of his Swiss parsonage F. E. Hurter, a protestant, but a fanatic for the priesthood, was already brooding over the design to erect a magnificent monument to the most imperious of all the popes, Innocent III.

In further and remarkable illustration of the way in which the idea of freedom was to subserve the aims of the clericalists, patriotic sentiment led a considerable number of youthful enthusiasts into the camp of the Roman world-power, that power which in all ages had been the natural foe of every strong national state, and which was now especially hostile to German unity. With the self-complacency of the enlightenment, the eighteenth century had passed sentence upon the journeys to Rome made by our old emperors, and had recognised in the Reformation a struggle (but half successful, it is true) for light and truth. The souls of our romanticist youths expanded at the thought of the Othos and the Hohenstaufens; and when they contrasted the fantastically decked images of ancient imperial glories with the miseries of the Thirty Years' War, the danger was imminent that they might come to regard Luther's actions as the causes of this decay. It was under the inspiration of similar patriotic ideals that, at the time of the peace of Augsburg, Julius Pflugk had penned his fiery *Addresses to the Germans* and had lamented the schism in the church as the beginning of our national misfortunes. It was undeniable that the Reformation had favoured the growth of long pre-existent germs of corruption; that it had accentuated old-established political dissensions, by superadding the bitterness of religious

intolerance; how easy was it to succumb to the temptation to ascribe this disaster, not to the imperial house which, with the aid of Latin Europe, had arrested the German evangelical movement in a state of half-completion, but to the reformer himself, to the man who had hoped to liberate the entire fatherland from the Roman dominion. The ancient veneration for the pious archducal house (a sentiment still active, especially in the imperial towns), and the traditional enmity towards the Prussian state, the disturber of the peace in the empire, collaborated. Thus there gradually came into existence an utterly distorted view of our national history which subsequently bore fruit in the sentimental policy of the Pan-Germans, and in the end never failed to redound to the advantage of the clericalists alone. The amiable and high-minded young Frankforter, Johann Friedrich Böhmer, a man of striking scientific attainments but devoid of political acumen, now succumbed wholly to the spell of this historical dreamland, although never able to make up his mind to sever his connection formally with the Evangelical church: he extolled the victory of the popes over the Hohenstaufens, condemned the Reformation because it had divided Germany, and admired the un-German policy of the last Hapsburg emperors.

To reinforce all these influences there came the unresting journalistic activity of the great group of converts in Vienna, and the unappeasable anger of the Catholic imperial nobles, who could not pardon the spoliation of 1803. There were operative in addition, the proselytism that was going on in high society, and the ambiguous attitude of the Austrian government, which suspiciously imposed restraints upon its own clergy while secretly supporting ultramontane intrigues in Germany—at a time, too, when Protestantism, though immeasurably superior to the old church in point of scientific energy, was torn by faction, was suffering from the aridity of its forms of worship, was in a state of incomplete administrative development, and was consequently incapable of expansion. The result was that from numerous small runnels and brooks were coalescing the waters destined ultimately to swell the great ultramontane flood.

In the western provinces of Prussia the increasing acerbity of religious sentiment was already being manifested by a considerable amount of friction. The tercentenary festival of the Reformation and the personal co-operation of the king in the matter aroused much ill-feeling on the Rhine; the newspapers

of the French congregation were eagerly read; and from the neighbouring Netherlands exciting news was continually arriving about the struggles of the Belgian clergy with the house of Orange. Since the days of the "Gueux," the devout people of Aix had continued to cherish intense hatred for the Protestants; even the children of the officials had to suffer in the schools. Since many of the young Protestant officers and officials found favour in the eyes of the charming women of the Rhine, there were formed in several towns societies of old maids and young who swore never to wed a Protestant. The clergy were forbidden by their superiors to join the Bible societies, and in many cases the priests imposed illegal obstacles in the way of the celebration of mixed marriages, so that the king found it necessary to declare, in a peremptory cabinet order dated April 6, 1819, that he would "promptly rid himself of such unworthy divines." Lord Lieutenant Solms-Laubach, assuredly a sturdy Josephan, suspicious of every indication of ecclesiastical independence, was continually at war with Fonk, vicar general at Aix-la-Chapelle, who did his utmost to hinder the working of the new educational system, and took it greatly amiss when efficient pastors accepted office as school teachers.[1]

After these preliminary skirmishes, in the year 1820, before the understanding with the Roman see had been completed, the clericalists ventured the first open resistance of the laws of the Prussian state. Among the privileged canonical families of the Münsterland nobility, the three brothers Droste-Vischering were conspicuous for their religious zealotry; they received, as had at an earlier date the "awakened" circle of Princess Galitzin, the honorary title of "familia sacra." At the Napoleonic national council of 1810, the eldest, Casper Max, had demanded the liberation of the imprisoned pope, and his bold intervention had compelled the Imperator to dissolve the assembly. Under the well-meaning Prussian regime, he remained at the outset prudently in the background.

Of coarser metal was the second brother, Clemens August, a monkish fanatic, devoid of wit, learning, and knowledge of men, educated on antediluvian lines, and utterly ignorant of the modern world, with no idea beyond that of his church, never weary of well-doing, of fasting and discipline, of all the duties of Roman sanctimoniousness. No one could see this worthy, priestly figure with the beautiful, innocently pious blue eyes and the expression

[1] Solms-Laubach's Report, August 18, 1819.

of stubborn defiance on his lips, without thinking that this man was well fitted to serve a fanatical party as its battering-ram. As with all persons of limited intelligence, he was an embodiment of the profound saying that man believes himself to be impelled by holy zeal when he is really being driven forward by earthly anger. He loathed this bourgeois land of Prussia with its parity of beliefs, detesting the country with all the venom of the clerical junker; he hated the philosophers, and since he had neither competence nor inclination to read their works, he damned them all with priestly arrogance as rationalists and enemies of the church. Less fearless than his brother, timidly giving way before Napoleon's despotic orders, he, lawful vicar general of the bishopric of Münster, had, under orders from Paris, handed over the administration of his office to his deadly enemy, the philosophically enlightened Count Spiegel. This was the sole cowardly action of his life, and he had repentantly cancelled it when censured by the pope. After the entry of the Prussians, he immediately resumed his post, and endeavoured by enhanced quarrelsomeness to atone for his previous weakness.

The vicar general was in eternal conflict with Professor Hermes, who during the foreign dominion had been appointed to the Münster academy upon the recommendation of Niemeyer, Protestant chancellor of Halle, and if for this reason alone was in Droste's eyes little better than a heathen. The presumption of this small but active minority had already risen to such a pitch that the new bishop of Augsburg actually took it upon himself to condemn "the pseudo-mystic Christianity" of the venerable Sailer in one of his pastoral letters. Droste ordered his priests to refuse to celebrate any mixed marriage unless a pledge were given that all the children should be brought up as Catholics; and when taken to task by Lord Lieutenant Vincke, be bluntly declared that he was not bound by territorial laws. When the Reformation festival drew near, he published a booklet, barbarous alike in form and content, upon the *Religious Liberty of Catholics*, whose culminating proposition was: "Religious liberty is the liberty to perform all those actions which are demanded to promote the subjection of the reason and the will to the doctrine of the Catholic church." He angrily rejected any conditional recognition of the church on the part of the state; and of all the German states he considered one only blameless, this of course being Austria, which alone had taken no part in the spoliation of the church effected in the year 1803.

The negotiations concerning mixed marriages were still uncompleted when the cantankerous man found a new opportunity of at once gratifying his personal spite and manifesting to the Protestant suzerain the power of the church. In the year 1820, Hermes, well supplied with letters of introduction from Spiegel, removed to Bonn; many of his admirers in Münster wished to follow their beloved teacher to the Rhine.[1] This misleading of Westphalian youth must be prevented, and at the same time a deadly blow must be delivered against the new Rhenish university, for Droste's detestation of the German universities was as cordial as that of any monsignore of the Vatican, since he could never forget what his church had had to suffer at the hands of the greatest of all German professors. How eagerly had the clerical party laboured to secure the establishment of the Rhenish university in Cologne under the immediate supervision of the archbishop, and anger at the miscarriage of this plan had flamed higher since in Bonn academic freedom had made such vigorous progress. Hitherto at the seminary in Cologne the Rhenish theologians had received a miserable education, which in Solms-Laubach's view consisted merely of a training for the ritual of divine service and "of a certain amount of gloomy monkish dogmatism." Altenstein now proposed to establish a theological foundation in Bonn, and to entrust to the university the entire scientific education of the young clerics; their training here was to be supplemented by a brief practical course in the seminary at Cologne. In the theological faculty, however, Hermes and his sympathiser Gratz were in command. Never would Droste hand over the future pastors of pious Münsterland to such teachers; never would he permit the young Catholics to hold converse with heretic students. He therefore had an ordinance posted in the academy forbidding all theological students of the bishopric, under pain of refusal of ordination, to study outside Münster without express permission from the vicar general. When a student asked for permission to go to Bonn, Droste immediately refused, without giving any reason.

This was a declaration of war against the Rhenish university and was at the same time a presumptuous onslaught upon the rights of the state-authority, for the academy belonged to the state, and Vincke, the curator, was the only person entitled to issue orders to it. The last doubt regarding Droste's views necessarily disappeared when some weeks later (March 3rd) von

[1] Spiegel to Solms-Laubach, March 29, 1820.

Graben, suffragan bishop in the adjoining town of Osnabrück, likewise instructed his divinity students that for the time being they were to pursue their studies in Münster alone, until their ecclesiastical superiors were better informed regarding the spirit of the other universities.[1] What was to become of the theological faculty of Bonn if it was to be placed under ban in this way by the bishops? The faculty recognised the danger at once, and adjured the state authorities to take vigorous action for its defence, saying, "We have to do with an opponent who desires to slay with one stroke." These Hermesian theologians openly declared that hitherto "hierarchical despotism" had "invariably been broken by the firmness of governments," and reminded the Prussian state of the glorious example of the republic of Venice.[2]

The exhortation was hardly needed, for meanwhile Vincke had already declared Droste's ordinance null, and had had it removed from the notice board. Even Altenstein approved the resolute intervention of the curator, although, being a man of peace, he was almost as anxious to avoid any dispute with the spiritual authorities as was his adviser, the semi-clericalist Schmedding; and he asked the vicar general what justification the latter had for a step which manifestly contravened the prescriptions of the Prussian civil code.[3] Thereupon, on March 20th, came an answer which cannot fail to surprise us even from such an author. Droste told Altenstein to his face that he, Droste, owed the minister no account of his doings, that neither the civil code nor subordination to a Protestant suzerain could abrogate the ecclesiastical law which was universally valid in Germany. He had no confidence in educational institutions whose divinity professors were appointed by Protestant authorities, "a practice which I should hardly have regarded as possible even where the Catholic church was merely tolerated." He continued as follows: "It assuredly cannot be your excellency's intention to protect an alleged liberty of the students by an infringement of the liberties of the Catholic church, which rest upon divine authority, are recognised by his majesty the king, and are guaranteed by

[1] Droste to the divinity student v. d. Meulen, February 23, Ordinance of the suffragan bishop von Graben, Osnabrück, March 3, 1820. These and the other documents to which reference is made in the following notes were examined by me in the archives of the board of governors at Bonn university, by permission of Privy Councillor Beseler.

[2] Petition of the theological faculty of Bonn to Altenstein, February 26; to the curator von Rehfues, February 25; Dean Gratz to Rehfues, March 16, 1820.

[3] Altenstein to Vincke, March 1; to Droste, March 1, 1820.

him (in so far as human authority can guarantee an authority of higher origin)." He then appealed to article 63 of the principal resolution of the Diet of Deputation, which had merely promised that hitherto existing religious practices should be protected against abolition and molestation, and presumptuously declared that the obligation of military service imposed upon priests and school teachers, and also the so-called *placet*, conflicted with this article. He then gave vent in his abominable German to certain generally worded objurgations, which were obviously aimed at the minister in person, against "those baptised heathens who are in truth infidels." Such were the thanks of the clericalists for the royal foundation of Bonn university.

After this display of a fanaticism which denied the state any right to exercise supremacy over the church, Altenstein foresaw that Droste would avail himself of all the terrors of the spiritual arm in order to keep the Westphalian students in Münster. It was necessary to take vigorous action, unless the state-authority were to allow itself to be contemptuously defied. On April 10th, therefore, by agreement with the chancellor, the minister had the theological faculty in Münster suspended until further notice, and Vincke carried out the severe sentence with a heavy heart. How earnestly had the loyal Westphalian endeavoured to awaken new life in the decayed foundation of Baron Fürstenberg. He had just arranged with Altenstein for an increase in the teaching faculty, and now the defiance of this blind zealot was to rob his beloved province for years to come of its academy, for the philosophical faculty could not thrive without its theological sister.[1] Everything was settled at one blow. Droste did not venture to await the threatened personal reprimand, but resigned his post, and continued for years to lead the life of a meditative penitent amid a small circle of priests and nuns. The suffragan bishop of Osnabrück had before this, as soon as he recognised that the Prussian authorities were in earnest, granted his divinity students permission to go to Bonn.[2]

The clericalist onslaught had been completely repulsed, and on this occasion public opinion, otherwise so fond of complaining about Prussian tyranny, was unanimously upon the side of the state-authority. In Nassau, a Hermesian had Droste's communication printed in order to warn the governments against the

[1] Altenstein to Vincke, April 10; Vincke to the theological faculty of Münster, April 18, 1820.

[2] Ordinance of Suffragan Bishop von Graben, April 6, 1820.

intrigues of their spiritual opponents. The affair did, indeed, throw an alarmingly clear light upon the ultimate aims of the ultramontane party. It was known in Berlin how lively was the secret intercourse between the Westphalian clergy and the nuncio in Munich, and the government learned with considerable annoyance that Prussia's true friend Metternich had, in the *Oesterreichische Beobachter*, published a benevolent comment upon the impudent answer of the vicar general of Münster.[1] The understanding with the Roman see left the state in full possession of its ecclesiastico-political rights, and as the pope had publicly expressed his gratitude to the king, the clericalists kept quiet for a time. But religious peace was by no means secured. Everything depended upon the carrying out of the agreement, and both parties awaited with tense interest the nomination of the new bishops.

At the same time in which Prussia came to an understanding with the Roman see, Bavaria also brought to a conclusion the dispute about her concordat, not by a direct route, but in such a way that the state-authority remained paramount. The contradiction between the strictly canonical concordat and the spirit of the new constitutional laws guaranteeing parity of beliefs, was indisputable. The Roman see had been outflanked. The nuncio, Serra-Cassano, endeavoured to interpret the contradiction in the sense of the Vatican, and secretly initiated a clericalist movement against the constitution. On the other hand, the adherents of the old order of illuminates were extremely active, overwhelming the papacy with ill-natured gibes in *Monastic Letters* and other lampoons. But Zentner, Lerchenfeld, and Ignaz Rudhart, all the men of talent in the high officialdom, were determined to atone for past failures by invincible firmness, and their cause was won from the first, for the concordat, which upon the curia's own wish had been published as a national law, was for this reason unquestionably subordinated to the prescriptions of the constitution. When Cardinal Consalvi demanded on March 8, 1820, that in case of dispute the concordat must take precedence of constitutional laws, Rechberg answered confidentially that it was quite impossible to issue such a declaration, which would arouse the fury of the parties hostile to the church, and would perhaps imperil the existence of the ministry. Subsequently the cardinal gave ground step by step, and on September 15, 1821,

[1] Zastrow's Report, December 31, 1820; Krusemark's Report, April 24, 1820.

after prolonged negotiations, the king signed with the curia the Tegernsee declaration, whose terms had been agreed upon word by word between the respective parties. In this document the king approved the institution of the new bishoprics, appending the twofold assurance: first, that the constitutional oath, in accordance with the prescriptions of the constitution itself, related solely to civic order, and did not pledge subjects to anything which could conflict with the laws of God or of the Catholic church; secondly, that the concordat was a national law, and must in all cases be observed by the authorities.

With great ceremony the nuncio could now make public in the Frauenkirche of Munich the episcopal areas bull, *Dei ac Domini*, which had been in abeyance since it had been signed on April 1, 1818. His assumption was that a great victory had been gained, and the foreign diplomats were impressed by the confidence with which he spoke henceforward.[1] In reality, however, the curia had been defeated by the skill of Zentner and his friends, for it had expressly admitted that the constitution did not conflict with the utterances of the church, and it had once more recognised the concordat as a national law. It is true that the Tegernsee declaration was not perfectly unambiguous. Here, as in all agreements between modern states and the Roman see, was to be again manifest the truth of the Jesuit saying: there is always a snake in the grass. Nevertheless the Bavarian state could look forward with equanimity to a dispute with the papacy, for it had two great advantages over Prussia: a Catholic king, for whom the curia and the Catholic populace would make every allowance; and an officialdom whose members had grown up in a Catholic atmosphere, and who knew how to hold their own with the clergy. In Bavaria, the crown nominated all the bishops, confirmed the appointment of all parish priests, and exercised its ecclesiastical supremacy with so much strictness, that even an ordinance about fasts or a brief about ecclesiastical vestments could not appear without the royal *placet*, and no priest could impose public penances. After a humiliation suffered through its own fault, the state-authority had vigorously reassembled its forces, and thenceforward during an entire decade peace between state and church remained almost unbroken.

Less fortunate was the course of the negotiations conducted by the states of the upper Rhine. Since March, 1818, the Frankfort conferences had been sitting under Wangenheim's presidency,

[1] Zastrow's Report, December 21, 1821.

and the liberal press, which the president always kept well posted, anticipated, as the outcome of these deliberations of pure Germany, a magna charta of German religious freedom, the establishment of the "purified canon law." But the outlook of the Vatican towards the states of the south-west was by no means benevolent, for in these regions the Catholic church had good reason to complain of bureaucratic oppression. In the districts of Hesse-Darmstadt which had formerly belonged to Electoral Mainz, the Protestant grand duke had arrogated to himself the right of nominating parish priests, a right which had hitherto belonged to the archbishop, as if this nomination were part of the suzerain prerogative of the state. In Nassau, since 1817, undenominational elementary schools had been instituted, so that henceforward there was but one official religious seminary for all faiths, the children being first taught in common "the general principles of religion," and then receiving separate religious instruction in accordance with their respective creeds; to complete their enlightenment, they were subsequently, just as in renascent Spain, given instruction also in constitutional doctrine—concerning Nassau alone, for what concern had the Nassauers with Germany? The outcome of this bureaucratic popular enlightenment was not bad on the whole, for the little country contained such a medley of different creeds; but it was impossible to expect that the Roman see could approve of the general school-religion of Nassau. Still less agreeable to the curia was the personnel of the conference.

Würtemberg was represented by Wangenheim, an avowed admirer "of the admirable Josephan canon law," and by Jaumann, councillor to the vicariate general, a learned divine, whose hobby was archæology, and who, like the president, was a declared Josephan. Koch, plenipotentiary of Nassau, one of the founders of the "enlightened" undenominational elementary schools, had relinquished orders, and during the course of the conference had his marriage celebrated by a Protestant pastor, so that he was recalled on account of the scandal that was raised. Of the Badenese representatives, one, Burg, had formerly accompanied Wessenberg to Rome; the other, von Ittner, a man who had done good service at Freiburg university, also owed his appointment to the recommendation of the co-bishop of Constance, and was in ill repute at Rome as friend and collaborator of the rationalistic zealot Zschokke. Canon von Wreden, the Darmstadt plenipotentiary, had with vigorous pen attacked the claims of

the papacy at the time of the episcopal assembly at Ems. Besides Wangenheim, Ries of Electoral Hesse was the only Protestant at the conference.

It will readily be understood that in Consalvi's eyes the Frankfort conference was merely a congress of the Wessenberg party, and this latter seemed at the moment to the pope more open to suspicion than Protestantism itself. But Wangenheim regarded the assembled strength of his pure Germany with imperturbable confidence, and it seemed to him unthinkable that the Vatican could ever be so bold as to resist the united will of five German sovereigns ; he even thought it would be possible to wrest from the curia the right of episcopal nomination, for during the days of the Confederation of the Rhine the pope, in a moment of urgent need, had been on the point of conceding this right of nomination to the Protestant king of Würtemberg, despite the fact that the concession would have been utterly opposed to the old established principles of Vatican policy. Upon Wangenheim's suggestion, the conference drew up a declaration stating the rights which were claimed for the state authority, the *placet*, the nomination of bishops, and a number of other far-reaching demands for the ecclesiastical supremacy of the state ; and a joint embassy was sent to Rome, not to negotiate about these claims with the holy see, but simply to secure an opinion upon them. It was innocently hoped that the pope would not offer any opposition ; but if he should venture to do so, the allied states were resolved to establish the new dioceses with the aid of their still existing bishops. Yet the establishment of new bishoprics was one of the ancient and undisputed privileges of the papal primacy, and one which no prelate could ever infringe. The liberal newspapers of the south-west were celebrating in advance the triumph of the enlightened states over the Roman see ; and Koch, one of the leaders of the conference, wrote in sanguine mood that an ecclesiastical organisation was at length about to come into existence, "harmonising with the state constitution and with the wishes and exigencies of the time, which seems to be advancing out of the twilight of dawn into the clear light of day" ; there could, of course, be no question of any abatement of the modest claims put forward for the state-authority.[1]

The embassy arrived at Rome in March, 1819. It consisted of Councillor von Schmitz-Grollenburg, at one time a canon, who had afterwards entered the Würtemberg state-service and had

[1] Koch to Berstett, February 15, 1819.

shown himself to be a strict Josephan ; and of Baron von Turckheim, father of the Badenese conservative parliamentary orator. At the first audience, Turckheim, the Protestant, knelt to the pope, whilst Schmitz, the Catholic, resolute to maintain his king's sovereignty, stood erect. As Niebuhr had prophesied to the envoys, even the meek Pius VII felt affronted when these five petty courts opened negotiations by presenting an ultimatum. His secretary of state asked whether they mistook the pope for the Grand Turk, and openly declared that it was not the Protestant rulers but their Catholic advisers who were inspired with hostile sentiments. On August 10th, Consalvi responded in a lengthy exposition which again showed conclusively that the modern state which desires to come to an understanding with the curia regarding the extent of its suzerain rights, either effects nothing at all, or else is forced to abrogate its sovereignty. The memorial expressed in somewhat milder terms the same principles of unrestricted ecclesiastical supremacy which Consalvi had previously maintained vis-à-vis the Hanoverian court. Notwithstanding this blunt refusal, the envoys remained for a time in Rome engaged in fruitless negotiations. The pope left them one way out, declaring himself willing to fix on his own account the diocesan limits of the new Upper Rhenish province of the church.

With these tidings the crestfallen envoys returned home, and the five courts were soon forced to recognise that, for the time being, at any rate, they must renounce the pompously proclaimed plan of securing a religious magna charta, and that, like Prussia, they must perforce be contented with coming to terms about an episcopal areas' bull. The Frankfort conference reassembled in March, 1820, and deliberated for nine months concerning the organisation of the Upper Rhenish ecclesiastical province. There was no dispute as to the boundaries of the new bishoprics, for each of the five sovereign princes was resolved to allow himself the pleasure of having a territorial bishop of his own, although the elector of Hesse had no more than about 100,000 Catholic subjects, and neither in Darmstadt nor in Nassau did the Catholic population amount to more than 150,000. But which of the five territorial bishops was to enjoy the dignity of being metropolitan ? The pope earnestly desired the re-establishment of the archbishopric of Mainz, which for centuries in popular estimation had been the most illustrious among the Rhenish bishoprics. But the reverence for the historic past which Prussia had displayed in

reconstituting the archiepiscopal see of Cologne, was unknown to the bureaucracy of the Rhenish Confederate states. Since the diocese of Mainz had dwindled to become a trifling Darmstadt territorial bishopric, Würtemberg was by no means inclined to allow its royal territorial bishop to be subordinated to the modest metropolitan of a mere grand duchy. Nassau, too, offered vigorous opposition, and in the end the grand duke of Hesse, who had at first been eager to secure this advance in rank for his territorial bishop, let the idea drop. There can be no doubt that the Hessian court became dominated by the fear that a new archbishop of Mainz might very readily fall into temptation, as successor of the imperial chancellor in Germania, the most distinguished prince of the Holy Empire, and might thus become a danger to the prestige of the territorial sovereign. The magic of the glorious and ancient name of Electoral Mainz was still powerful, and a few years earlier the grand duke had vainly endeavoured to secure for himself from the German great powers the title of Elector of Mainz.[1]

In short, the idea was abandoned. Since the other sovereign princes did not wish to concede any privilege to the kingly crown of Würtemberg, it was ultimately decided to find a way out by adopting the convenient measure of population, and, as Baden was pre-eminent in this respect, to adorn the Badenese territorial bishopric with the archiepiscopal title. The Badenese ministers were delighted; but now a fresh difficulty arose.[2] In Constance, Wessenberg was acting-bishop by election, and with the support of the government had fulfilled this office for years, against the will of the pope. If the archiepiscopal dignity were conferred upon this bishopric, new and vexatious discords with the Roman see might be anticipated, and the court of Carlsruhe had no further inclination for such embarrassing negotiations. The new grand duke Louis, when some years before he had been leading a free bachelor life at Salem on the lake of Constance, had taken offence at the candid exhortations of the rigidly moral prelate of Constance, and he regarded Wessenberg with suspicion as a dangerous liberal.

The altered mood of the Badenese cabinet was sufficiently shown by the fact that Blittersdorff, the federal envoy, now

[1] Note of the grand-ducal Hessian envoy, Baron von Senden, to Hardenberg, May 27, 1816.

[2] Blittersdorff's Reports, September 25, 1820; January 20 and 30, November 21, 1821.

appeared at the Frankfort conferences. He was by no means an unconditional opponent of Wessenberg; but was ultra-conservative, and desired to remain at peace with the curia, cost what it might. He first raised the question whether the vicar general of Constance might not be induced to resign of his own free will, or whether it might not even be possible to abolish the bishopric; then the contested Constance election would be spontaneously annulled, and the apple of discord could be removed.[1] In this way another venerable historical bond would have been severed, and this ancient foundation, at one time the greatest in the Holy Empire would have been annihilated. But in this land of Baden, where everything was new, the idea of a modern bishopric could arouse little hostility. The proposal, if carried into effect, would overcome a temporary embarrassment, and the more conveniently situated Freiburg, with its splendid minster, offered a worthy home for the archiepiscopal see. The five courts therefore united upon the plan of an archdiocese of Freiburg, with four suffragan bishoprics in Rottenburg, Mainz, Fulda, and Limburg, and transmitted these proposals to the curia Meanwhile in Rome the common cause was represented by the Würtemberg envoy Kölle, one of those literary dilettantes who thrive in the busy idleness of the diplomatic life of petty states, known to all as a collector and as an inexhaustible anecdotist. He was in the habit of sending political articles to the *Allgemeine Zeitung*, writing well, and even wittily at times, with an air of omniscience, but never conveying a new idea.

He was ill-placed in Rome, for he was a freemason and a Josephan. Consalvi would have very little to do with him; and while the five courts were still awaiting the pope's reply they were taken by surprise by the receipt of the episcopal areas' bull. This bull, *Provida sollersque*, dated August 16, 1821, specified the subdivision of the Upper Rhenish ecclesiastical province essentially in concordance with the proposals of the governments, but it also contained a dangerous prescription which Niebuhr had sedulously evaded in his negotiations. Not merely the Catholic subjects, but also the entire state domains of the five sovereigns, were subjected by the pope to the spiritual authority of the new bishops. Thus there were founded in Germany, with its parity of beliefs, five new titular bishoprics with all the extraordinary powers which were assigned to the missionary clergy for the readier conversion of heretics. The bull said not a word

[1] Blittersdorff's Report, December 28, 1820.

about the relationship of the church to the state, and the five courts had to engage for years in laborious negotiations to secure, to some extent, their rights of supremacy over the church.

Hanover, which as early as 1816, first among all the Protestant crowns, had begun to negotiate for a concordat, had also to learn that the only way to attain the goal was that which had been opened by Niebuhr. Consalvi held with inalterable firmness to the claims of his church to dominion, demanding for the bishops jurisdiction "juxta vigentem ecclesiæ disciplinam"; that is to say, the Protestant king of Hanover was to recognise that the bishops were legally empowered to safeguard the unity of the church, even where heretics were concerned. In 1821, negotiations were broken off; the plenipotentiary Ompteda and his successor Reden had shown all too plainly how little the Protestant north was acquainted with the sentiments of the Roman see. It was not until the Hanoverian government made up its mind to follow the example of Prussia, that on March 26, 1824, the episcopal areas' bull *Impensa Romanorum* was issued decreeing the establishment of the two small bishprics of Osnabrück and Hildesheim. Yet here also the curia was at its old tricks, for it was not the Catholic population of Hanover but the entire kingdom which was assigned to the new bishoprics as "terra catholica."

§ 2. THE PRUSSIAN PROVINCIAL DIETS.

Delighted by his successes in Rome, and refreshed by the manifold impressions of the journey, Hardenberg returned to Potsdam on April 24, 1824. When he passed through Baireuth on the way home, the loyal Franconians, who had not forgotten the good Prussian times, paid him the honour of a torchlight serenade, and at Gefell, on the Prussian frontier, a triumphal arch had been erected for his passage. His appearance was more serene and confident than it had been for years. Yet he was soon to realise the unfortunate consequences of this ill-advised journey. His opponents had made the most of his absence; the situation was completely changed, and the affair of the constitution was already at the beginning of the end. The feudalist opposition had worked without intermission. In February, the territorial deputies of Lower Lusatia had demanded the immediate summoning of the provincial diets; and when the

chancellor returned, Bodelschwingh-Plettenberg and the gentry of Mark bluntly assured him that, " owing to the procrastination of attention to public affairs in County Mark, our fatherland," they had resolved to summon their abolished Landtag. Both petitions were, indeed, rejected in strong terms.[1] At court, however, increasing approval was expressed for the views of Marwitz, and it was declared an insane idea to think of giving a Reichstag to so composite a state. Another Brandenburg landlord, von Rochow-Rekahn, in a memorial to the crown prince, triumphantly announced that the reanimation of the old provincial diets had in the two greatest German states at length secured a victory " over the introduction of the fallacious and revolutionary constitutional system." Since, incredible to relate, " there still exist certain law-abiding and well-disposed persons who fail to recognise that the latter system is the work of illusion and of lies," the king would do well to summon in every province representatives of the qualified estates, selecting none but indubitable opponents of the new destructive theories, in order to discuss with them the re-establishment of the old Landtags.[2] A literary champion of feudal particularism had meanwhile put in an appearance, in the person of J. F. J. Sommer, who as " Westphalus Eremita " had recently defended the independence of the Roman church. In his book *Of the German Constitution in Germanic Prussia* he declared it to be beyond question that the Electoral Cologne duchy of Westphalia still existed, and he expressed the hope that the crown would soon recognise that the brethren of ducal Westphalia and of Mark respectively, despite all their mutual affection, could not possibly work together in the same circle assembly.

Whilst his opponents were thus displaying more and more confidence, Hardenberg, immediately after his return, was once more exposed to the worst suspicions through the precipitation of indiscreet friends. His wonder-working physician Koreff had sent to Benjamin Constant, the celebrated publicist of the French doctrinaires, Benzenberg's unlucky writing, bearing an inscription " de la part de l'auteur," assuming that the recipient would know who the author was, seeing that Benzenberg's name had in the German newspapers been repeatedly mentioned in this

[1] Cabinet Order to Schuckmann, February 16; Petition of Baron Bodelschwingh-Plettenberg and his associates, to the chancellor, April 21, 1821.

[2] Von Rochow-Rekahn, A Country Nobleman's View, a View based upon Experience of Provincial Diet Constitutions, February, 1821.

connection. But Constant, who was well acquainted with the handwriting of the inscription, inferred that Koreff was himself the author, and was agreeably surprised to learn that the ideas of his constitutional system, the only true ones, had thus secured recognition from the confidant of the Prussian chancellor. He had a French translation of the pamphlet prepared, provided it with complacent annotations, wrote a preface describing it as an official publication, and named Koreff as the author. In March, 1821, this remarkable composition made its appearance under the resounding title, *Du triomphe inévitable et prochain des principes constitutionnels en Prusse*. Benzenberg's rash propositions were here reproduced in French, exaggerated to the point of irrecognisability. Hardenberg was exalted as standard-bearer of parliamentarism, of the ideas of the Revolution; William of Würtemberg, the enemy of the eastern powers, was warmly praised. Attention was proudly drawn to the fact that Prussia was now giving in its adhesion to the supreme principle of constitutional liberty: "It is not for the king to act, but it is his part to choose the men who are to act." In conclusion came the jubilant assurance, "The Great Revolution is completed, and to-day discouragement would no longer be mere weakness, but folly. The civilised world will in future endure none but free peoples and none but constitutional monarchs."

It was a crazy misunderstanding, and it would have been impossible for the French doctrinaire to furnish more conclusive evidence of how little he knew about the Prussian state and how little warrant he had for tendering it advice. But in Laibach the two emperors were gravely incensed. Metternich immediately wrote to Berlin demanding the exemplary punishment "of so notable an outrage," while in the *Oesterreichische Beobachter* Gentz thundered against "the deceitful artifices, the scurvy politico-literary rascality of the revolutionary faction." What did it help that the chancellor immediately had a protest published in the French newspapers? It would have been useless to prosecute Constant, for it soon became plain that he had acted in good faith, although with undue levity.[1] He was therefore left unmolested, and the cackle of malicious tongues did not cease. Since among the general public nothing was

[1] Metternich to Zichy, April 25; Krusemark to Bernstorff, April 27; Bernstorff to Hardenberg, May 4; Hardenberg to Koreff, May 6; Koreff's Reply, May 10; Schöll to Benzenberg, May 6, to Hardenberg, May 8; Benzenberg's Reply, May 7, 1821.

known about Hardenberg's plan for a representation of estates, for decades after this incident the fable was repeated alike by friends and by foes that the chancellor had designed the introduction of a *charte* after the French model, and had secretly collaborated in the writings of Benzenberg and Constant.

These pin-pricks were, however, of trifling importance in comparison with the powerful stroke which the crown prince and Wittgenstein had meanwhile directed against the foundations of Hardenberg's design for a constitution. The committee appointed to examine the proposals for the communes' ordinance had reported on March 19th. As might have been anticipated, it proposed the rejection of the whole scheme, and added the suggestion that the king would be well-advised to renounce for the present the idea of promulgating a general constitution for the state, and to content himself with summoning a new committee which should discuss a law for provincial diets in conjunction with residents from the provinces. Stein's towns' ordinance should be maintained, and should be introduced with certain amendments into the new territorial areas; but the circles' ordinance and the communes' ordinance should be specially designed for each province, mainly in accordance with suggestions to be furnished by the provincial diets. This signified an indefinite postponement of the plan for a general state constitution, perhaps its complete abandonment, while the estates were to co-operate in the reform of the communes' system, a method which could be successful only if their egotism were sternly repressed. The opponents of the constitution had said their final word; war had been declared against the chancellor. This was the document which greeted the chancellor upon his return, with the additional mortification that the king now for the first time notified him of the existence and the labours of the committee which had been summoned behind Hardenberg's back.[1]

The chancellor immediately accepted the challenge. In the rural repose of Neu-Hardenberg, he drew up a long report, which was sent to the king on May 24th. Herein he reiterated the leading ideas of his Troppau memorial, and uttered the urgent warning that no time could be more favourable than the present "for bestowing a constitution by a free act of will." In Italy, the revolution had been overthrown, but in other lands the ferment was still at work, and although to all appearance Prussia was as yet free from the infection, it was nevertheless extremely

[1] Committee's Report, March 19; Cabinet Order to Hardenberg, May 3, 1821.

desirable to anticipate the evil by the voluntary granting of reasonable reforms. He declared with the utmost definiteness that the ordinance of May 22, 1815, "must be maintained as a publicly expressed royal pledge"; necessary sequels of this pledge were the promulgation of the promised constitutional charter and the summoning of the national representative assembly. "In one way alone would the aim which found expression in the committee's report be secured. That report declared that people's minds must be set at rest, the good being afforded satisfaction and the demands of the bad being refused. This could be done in no other way than by a charter which gave expression to the royal grace in its entirety; it could not be done by leaving an important part of the constitution in uncertainty." He went on to give a reminder that it might be necessary to increase the national debt, and that this increase could no longer be effected without the assent of the estates of the realm, and he drew commendatory attention to the manner in which Bavarian credit had been raised after the promulgation of the constitution. In all other respects he showed a yielding disposition. He recognised the defects in the communes' laws, and went so far as to propose the formation of a new constituent committee which, under the presidency of the crown prince, should definitely draft the communes' laws, and should then, with the co-operation of notables from the old territories, conclude the provincial and national constitutions. "This committee should replace the one which has hitherto sat under my own presidency. I will gladly sacrifice my own committee, for my only concern is that everything should be done, no matter by whom, which is for the highest weal of the state." [1]

Thus resolutely did the old statesman hold to his design. But unfortunately his memorial lacked the one thing that might have given it adequate force, namely, a definite declaration that he would stand or fall with his work for the constitution. By proposing the appointment of a constituent committee of which he was not himself to be president he renounced the incontestable rights of his position as chancellor. This was to put the game in his opponents' hands. The committee did not hesitate to take advantage of his weakness. It reasserted its own opinion, and determined to leave the issue to the crown; should the king decide against the chancellor, the latter's only choice would lie between giving way and resigning. The serious character of this

[1] Hardenberg's Report to the king, May 2, 1821 (completed May 24).

critical moment was keenly felt. In three holograph proposals, Wittgenstein, Ancillon, and Schuckmann summarised for the monarch the points in dispute. According to Wittgenstein, the contrast was to be found in this, that the committee proposed merely the opportune re-establishment of the older constitution in the various provinces, whereas the chancellor's design was to introduce in addition a new national constitution, and consequently " to found a constitutional monarchy." [1]

A summary of the points in dispute, drawn up in the spirit of these proposals, was now elaborated for the king, and simultaneously (May 28th) a report was sent which unequivocally declared: " A constitutional charter would always be judged by the example of those of Bavaria, Würtemberg, and Baden. It would never give satisfaction, for it could not possibly be adequate to the demands of the malcontents. Such a constitutional charter would make it seem as if the Prussian state were to be reconstituted in accordance with changed fundamental principles." The committee prophesied that in Prussia, as in all other states, the constitution would immediately lead to the liveliest disputes regarding the interpretation of the rights that would have been granted. Then came the bold proposition: " If a constitutional charter is to be granted, the only alternative is, either to hold firmly to the purely monarchical principle and to rest content with deliberative provincial diets, or else to supplement the monarchical principle effectively by the democratic principle. To the latter course the chancellor is just as little inclined as are we, nor can any loyal and reasonable official or subject propose anything of the kind. Hence there is no need of a constitutional charter." How much easier would it be, continued the committee, for the forms and rights of a general Landtag (should such a body subsequently prove desirable) to be established at some future date, after the provincial diets had come into existence!

The report was from Schuckmann's pen. It bore throughout the stamp of partisan exaggeration, and even contained odious, though carefully veiled, insinuations against the chancellor, who had never really demanded anything more than provincial diets and a national assembly.[2] The crown prince, however, signed the report without hesitation, and the vigorous sallies against " paper constitutional charters " were agreeable to his romanticist

[1] Wittgenstein, Principal Points in which the Proposals of the Committee and those of the Chancellor diverge, see Appendix XIV.

[2] Report of the Committee, May 28, 1821.

views of the state. Moreover, the committee's proposals were most adroitly calculated to suit the king's mood. In his present temper, profoundly disturbed by the revolutions in southern Europe, mistrustful of the South German parliamentarians, and yet too conscientious to revoke his promise in set terms, the king must necessarily regard it as almost a deliverance to be advised to fulfil a part of his pledges without delay and yet to postpone for the time being the dangerous venture of establishing a national assembly. Finally, the two parties, those who favoured the modern unity of the state and those who advocated feudalist particularism, now appeared before the throne with open visors. The king's decision was in harmony with the crown prince's wishes. He approved the committee's proposals, and commanded a further deliberation which was to be exclusively concerned with the organisation of the provincial diets. By a cabinet order, dated June 11, 1821, the chancellor was informed: "The further question, that of summoning a general national assembly, is left to time, to experience, to the subsequent development of affairs, and to my own paternal care.[1] Thus was the plan for a Prussian national constitution fulfilled seven years after the pledge to introduce a constitution had been given, and even then the fulfilment was but provisional.

The die was cast, the feudalists had triumphed. Hardenberg alone refused to regard the decision as irrevocable. Once more (July 4th) he made a counter proposal to the king, and not until months afterwards did he receive the casual answer that his memorial had been handed to the new constituent committee for consideration. Meanwhile he consoled himself with the frivolous hope of overpowering the opposition by maintaining silence, and he even remained upon the old friendly footing with Wittgenstein, the most dangerous of his enemies.[2] The arts of diplomatic procrastination which had in former days been so useful to him against Napoleon, were now to assist him against his domestic opponents as well. The summoning of the national assembly was merely postponed, not definitely abandoned, and the day would perhaps come on which the creation of this body would be possible. No one who knew the king could fail to foresee that this day would be a distant one, and that it certainly would not arrive

[1] Cabinet Order to Hardenberg, June 11, 1821.

[2] Cabinet Order to Hardenberg, November 5; Hardenberg's Diary, July 20, 1821.

within the lifetime of the chancellor. Who could know this better than General Witzleben, an unconditional supporter of Hardenberg's scheme, and for this very reason excluded henceforward from the constitutional deliberations? In a journey through the western provinces which he made in the king's train during this summer, he did indeed note with satisfaction that his royal master's depression was beginning to pass away. The reception on the Rhine was everywhere most cordial; the loyal Old Prussians in Crefeld and the Lower Rhenish regions overflowed with patriotic enthusiasm, and even the rigidly Catholic Münsterlanders, who had so recently had experience of the state's strong hand in the matter of parity of creeds, were at least outwardly respectful. Nor was Frederick William by any means inclined to assent to all the claims of the feudalists. When Bodelschwingh and the Markers voiced another request for the temporary re-establishment of their old Landtag, Frederick William met them with a friendly but definite refusal.[1] Nevertheless the adjutant-general did not fail to observe the suspicion with which his royal friend now regarded everything which seemed to smack of liberalism. Even the old anxieties about the Landwehr, which the king had renounced two years earlier, were now revived, and after a distressing conversation Witzleben wrote mournfully: "What a triumph it would be for our foreign enemies, what a triumph it would be for Austria, were we to abandon our Landwehr system!" In Ems, Stein paid his respects to the king, and Witzleben's very soul was invigorated when the great man's burning words manifested how completely he agreed with the general upon all questions of state. But Witzleben did not consider it advisable that the baron should enter upon a political conversation with Frederick William, saying, "The king is now wholly possessed by a single idea; no mere talk can effect any change in his mind, unfortunately facts alone can and will do this!"[2] Stein therefore contented himself with a ceremonial visit, which was repaid by a royal gift for the *Monumenta Germaniæ*

Meanwhile it became ever clearer that upon that momentous June 11th what had occurred had not been a triumph of

[1] Petition of Bodelschwingh-Plettenberg and the deputies of County Mark, July 4; the king's Reply, July 13, 1821.

[2] Witzleben's Diary, June and July, 1821.

absolutism over liberal ideas but a triumph of particularism over the unity of the state. The doctrines of the good old times of 1805, romantically decked out in accordance with the sentiments of the crown prince, reascended from the tomb. The Prussian unified state, which had been welded together through unexampled struggles, was again regarded as a federative state, as a composite realm made up of numerous separate states. Kamptz, in especial, defended this theory, which was based upon the edifying example of the Austrian crown-lands, with characteristic obstinacy, and continued as much as a quarter of a century later to advocate it in his legal treatises. Marwitz recommended a radical reform of the administration, designed to break the power of the migratory bureaucrats and of the financial oligarchs (these most dangerous of demagogues), and to destroy for ever the new demagogic contrivance of the national assembly. At the head of affairs there was to be a council of state, composed of the administrative chiefs and of local notabilities; subordinate to this there were to be provincial ministers with provincial diets; finally Landrats, with powers restricted by the circle estates, and appointed by these for a term of from three to six years. Such were the elements of this feudalist administrative organisation, which would have been tantamount to breaking up the unified German north once again into a chaos of feudalist petty states.

How could the doughty Schmalz fail to join in this raging chorus of reaction? In 1822, under the initials E. F. d. V. (ein Freund der Verfassung, that is, a friend of the constitution), he published *A View of the Representative Constitution of the Prussian Monarchy.* Taking as premise the chance circumstance that the Prussian state derived its name from that of a single territorial area, he drew the strange inference that the Silesian or the Marker could not be spoken of as a Prussian in any proper sense of the term (*i.e.* ethnographically), whereas the Gascon was rightly named a Frenchman, and the Yorkshireman an Englishman; consequently, according to constitutional law, Prussia was not a unified state like England or France, but a composite state resembling the North American union. The whole sounded like an extremely bad joke, nevertheless Schmalz's hard head seemed able to take it all seriously, and could perhaps lead him to believe, if he pushed his idea to its logical conclusion, that the king was king in East Prussia alone, being in Magdeburg no more than duke, and in Mörs

count merely, so that it was his duty to provide each of these states with a separate Landtag.

With this "deplorable" doctrine, as Witzleben named it, the feudalists once more put in question all that the Hohenzollerns had constructed during two arduous centuries, maintaining the while that they were defending the throne against the revolution. Strangely enough, a party formed among the high officials whose views were in fact utterly opposed to these, played unsuspectingly into the hands of the feudalists. The new administrative organisation, notwithstanding its efficient services, had not as yet acquired an irresistible prestige. Everyone complained of polyarchy; the inexperienced populace could not understand that the state, which now did so much more than of yore for the common weal, needed for this purpose a greater number of servants. On the Rhine, all believed, though on extremely dubious grounds, that the administration of the Napoleonic prefects had been twice or thrice as cheap. The king, for his part, urgently demanded economy in the civil administration, in order that the deficit might at length be done away with. The provincial authorities, on the other hand, and above all the lord-lieutenants found it difficult to put up with the enormous powers of the new specialist ministers, who now had the last word in all disputed questions of public law; it was only in exceptionally difficult cases that the council of state afforded any redress. The official system still lacked a well-ordered judicial administration with independent tribunals, but in regard to questions of administrative law, neither theory nor practice had yet arrived at clarity, and so long as the seat of the evil had not been recognised, all discontent was directed against the specialist ministers and the excess of centralisation.

In order to give some relief to the endless grievances in the summer of 1821 Hardenberg appointed a committee to discuss the simplification of the administration. Altenstein was president, and the members, in addition to certain officials of the ministries, were four lord-lieutenants from the provinces Vincke, Hippel, Baumann, and Delius. In this committee on November 13th, Vincke brought forward the proposal that the monarchy should be subdivided into four great provincial ministries, and that four only of the specialist ministers should continue to hold office. Specialist ministers, he continued, were suitable for petty states alone, or for

realms in which the revolution had levelled all things and where the arbitrary will of the prefects held sway. Thus it came to pass that this man of the common law, the sworn enemy of the manorial police and of patrimonial jurisdiction, was by his hatred of the depravity of French centralisation led half way to meet the designs of feudalist particularism. Nor did he stand alone, for Klewitz, Schön, and several other excellent officials of unquestionably liberal sentiments shared his views. But Hippel rejoined that the new organisation had not been modelled upon the revolution, but had been the issue of the necessity to compact the provinces "into one people, one realm." It was under the provincial ministers that the state had experienced its great humiliation, whereas to the specialist ministers it owed an epoch of valuable reforms. Was this vigorously upward-striving Prussia to take example by the loose mosaic of the crown-lands of Austria, which still stood on the verge of bankruptcy?

At Vincke's request, Humboldt now composed the celebrated letter of November 29th, which later made its way into the press, and was again and again employed in the fight against the provincial diets. Alike in respect of form and of content, this was the ripest of his memorials. He proved conclusively that it was precisely on account of the great diversity of the provinces that these required a firmly centralised administration, and he showed that the minister of the interior, whose office Vincke proposed to abolish, was among all the ministers the natural representative of the unity of the state. Passing to the constitutional question, he demonstrated the utter absurdity of the idea, which had not been realised anywhere or at any time, of disintegrating a unified state by provincial diets, declaring that this was a plan which must either expose the state-authority to incessant encroachments on the part of the estates, or else reduce the estates to a nonentity. He prophesied that sooner or later a national assembly would arise out of the provincial diets, and considered that for this reason it was desirable to establish in advance the foundations of the national constitution. The ultimate question that had to be decided was, "Is the state once again to become a union of several states, or is it to remain a single state?" Thus Humboldt defended Hardenberg's ideas more successfully than the chancellor had himself been able to defend them. How disastrous it was that these two men, who in

essential matters were so entirely at one, should have been estranged by an insuperable antipathy. General Witzleben, who at first had been upon Vincke's side, showed himself on this occasion also amenable to reason. He was convinced by the arguments of Humboldt and Hippel, and through his instrumentality the king was won over. The feudalists revived their plan on several occasions. As late as the spring of 1823, Marwitz commended his programme to the crown prince; and von Meyern, the Badenese chargé d'affaires, a man of no account, whose reports were a mere echo of the views of the reactionary party, declared after Hardenberg's death, "provincial ministers are universally desired." [1] The king, however, was firmly resolved to maintain the unity of the administration.

Dispassionate examination showed that the complaints were greatly exaggerated, and that very few of the existing officials could be dispensed with, unless it were proposed to exchange the well-tried collegial system for a despotic prefectoral administration. The tedious negotiations resulted ultimately in the abolition of only three governments (Cleves, Reichenbach, and Berlin) and two lord-lieutenants. The death of Count Solms-Laubach in the year 1822 gave an opportunity for combining the grand duchy of Lower Rhine with Julich-Cleves-Berg, and of appointing Ingersleben lord-lieutenant of this new province, Rhenish Prussia. Meanwhile, with passionate zeal, Schön was working for the union of East and West Prussia. His sphere of activity in Danzig did not satisfy his ambition. He felt himself the natural chief of the entire territory of Old Prussia, and, like all genuine East Prussians, he regarded the Vistula region as a mere fragment of the celebrated Ordensland, a fragment which should now be restored to its old home. Frederick the Great had once placed both these areas under Dornhardt's administration, and during the Napoleonic days Auerswald had likewise simultaneously governed both provinces.[2] Königsberg was the centre of the intellectual life of both regions, almost as much as was Breslau for Silesia, while Danzig remained a mere commercial town; moreover, it seemed advisable to provide a considerable counterpoise to the Polish element of West Prussia. Doubtless the distances were enormous, and, even with the swift-footed Lithuanian horses, travelling

[1] Meyern's Report, April 10, 1823.

[2] Memorial concerning the Union of East and West Prussia, February 11, 1822 (unsigned, probably by Schön).

was extremely laborious owing to the condition of the roads. But Schön knew how to overcome all counter-considerations, the general desire for simplification in the administration came to his aid, and in 1824 he was appointed lord-lieutenant of the province of Prussia. In this way two new provinces were constituted, one of these being almost as large and the other quite as populous as the whole of Bavaria on the right bank of the Rhine. In Rhineland, the union stood the test of time. In the province of Prussia, on the other hand, sharp oppositions soon became manifest; the West Prussians found that their interests suffered at the hands of the East Prussian majority, and the new order remained unchallenged only so long as Schön's strict and careful regime continued.

The attack upon the unity of the administration had failed, but all the more certainly did the feudalist party hope to prevent the unity of the constitution. On October 30th a new committee (the fifth and last) was summoned to discuss the formation of the provincial diets. The king, taking the easy-going and pliable chancellor at his word, excluded him entirely from the deliberations. The crown prince was appointed president, and the other members of the new committee were those who had combined to form the fourth committee, which had just carried out, in opposition to Hardenberg, the rejection of the communes' ordinance. The only new members were Voss-Buch, lord-lieutenants Vincke and Schönberg, and Privy Councillor Duncker as secretary. This was almost equivalent to a formal dismissal of the chancellor. The sittings of the committee began on December 4th, and the body successively summoned a small number of notables from each of the various territorial areas. First (January, 1822) came the Brandenburgers, next the notables from Pomerania, then those from East Prussia, West Prussia, Lower Lusatia, and Saxony. In May were heard the views of the Silesians and of the Upper Lusatians, in October those of the Westphalians, still later those of the Rhinelanders, and finally (in March, 1823) those of the Poseners. All were strictly pledged to silence, and as the censorship, in addition, kept a sharp watch on the newspapers, the secret was so well preserved, that it was not until the year 1847 that something was learned about the proceedings of the Silesian notables, through the writings of Röpell and Wuttke.

The selection of the notables who were to give advice was

enough to show how much ground the feudalists had gained in the four years that had elapsed since the perambulation of the provinces. At that time, men of all classes had been interrogated. It is true that even now the committee did not go so far as to assemble none but deputies of the old Landtags, as the estates of Ruppin had once demanded. But how inequitably, how utterly in conflict with all the traditions of this just crown, was a preference shown for the nobility! About one hundred notables were summoned from different parts of the monarchy: from Silesia came fifteen of the landed gentry, six burghers, and not a single peasant; from the Marks, six noblemen, four burghers, no peasants; from Westphalia, seven noblemen, nine burghers, and one peasant landowner; and so on. It is readily comprehensible that Lord-lieutenant Schönberg should have expressed a doubt "whether the notables had really given expression to all the desires of the provinces" The feudalist party was represented by some of its most active leaders. From the nobility of the Mark came Rochow-Rekahn and Quast, two highly respected men, both so ultra-conservative that Marwitz thought them suitable for the post of provincial minister in Brandenburg; from Westphalia came the tried champions, Merveldt, Hövel, and Romberg; from Silesia, von Lüttwitz who had recently taken up his pen on behalf of the nobles, but also from this province Count Dyhrn, the liberal, and von Gruttschreiber, a restive individual who had on more than one occasion assembled popular representatives in Silesia upon his own initiative. No summons was sent to old Marwitz, this omission being doubtless due to a dread of the iron man's uncontrollable candour. A similar anxiety, and the mistrust of the great reformer which Voss and Wittgenstein continued to harbour, were probably responsible for the fact that Baron von Stein was asked merely for a written opinion.

Negotiations with the various groups of notables seldom lasted more than a week, and they were just as futile as they were brief. In accordance with the king's command, their opinions were to be asked solely regarding the composition of the provincial diets, and not regarding the competence of these bodies; for however much veneration might be felt for the separate rights of the provinces, it was obviously impossible to come to terms about a constitutional design with ten separate assemblies. Consequently the committee formed its conclusions

concerning all the important elements of the constitution uninfluenced by the opinions of its local advisers. The notables, feeling how little change could be effected in matters already decided, assumed an extremely modest attitude, and their views exercised an influence in trifling and subsidiary questions alone. Even the Rhinelanders did not venture more than to put in a tentative demand on behalf of a restricted publicity for the Landtags, and their design to intercede on behalf of their fellow-countryman Görres was soon abandoned. Unfortunately these experiences did not lead anyone to draw the obvious inference that the provincial diets would necessarily exhibit a similar sterility.

Within the committee, however, the old party struggle flamed up anew. The feudalist view of the crown prince and his faithful adherent Ancillon now secured powerful support in the person of Voss-Buch. An estimable and well-meaning man and a dutiful Old Prussian official, the leader of the Brandenburg gentry, like his friend the ex-minister von Angern in the province of Magdeburg, had for years past remained in a morose humour on his estates, grumbling about the new agrarian laws and about the unruly times which had revolutionised the traditional class divisions. In his view, the fools of doctrinaires had pushed the state to the very edge of the abyss, and he regarded it as absolutely indispensable to impose limitations upon innovation, industrial freedom, and the relief of the burdens on the peasantry. Always clear-sighted, definite, and upright, always ready to give a serious hearing to the opinions of others, he was nevertheless utterly incapable of emerging from his own narrow circle of ideas, and he measured all political affairs by comparing them with the well-established rights of the estates of Mark, saying, "In accordance with the German constitution, no one who has mediate authority can act as representative." In the king's presence he invariably wore knee breeches and silk stockings, while to a lord-lieutenant of bourgeois origin he would concede no other courtesy title than "Ew. Wohlgeboren"—to the boundless indignation of Varnhagen and other enlightened Berlinese. As early as Napoleonic days he had quarrelled with Hardenberg so hopelessly that to summon him seemed like a blow in the chancellor's face, and the step was loudly acclaimed by all the latter's opponents, not excepting Stein. The honesty and industry of the strict old feudalist had attracted the king's

attention. In the summer of 1822, Frederick William visited him at Buch, and thenceforward his influence was firmly established. With his help the feudalists hoped to realise their Christo-Germanic ideals. When Küster, in his official zeal, sent in even at this juncture a précis of the South German constitutions for the use of the committee, Ancillon rejoined condescendingly that it was not to be expected that Prussia could derive much profit from the study of laws elaborated in accordance with foreign examples.[1] The views of Wittgenstein, Schuckmann, and Albrecht were somewhat more up-to-date, being bureaucratic rather than feudalist. The opinions of the liberal officialdom were represented only by Vincke and by Schönberg, lord-lieutenant of Merseburg, who both exhibited persistent courage and relentless candour. On the whole the course of the proceedings was dull and sleepy. Everything had become slack during these six years of procrastination. There had long ceased to exist that firm conviction of the inner necessity for establishing a constitution which Humboldt had always regarded as the first prerequisite of success. Labours were now continued solely in order to fulfil the pledge that had been given.[2]

At the very outset of the discussions, it became plain how untenable was the design of creating provincial diets without any clear idea of when and how the national assembly was to come into existence. The question arose: "Is the patchwork now being produced to be regarded as a fulfilment of the former promise; is the new law to allude in its preamble to the ordinance of May 22nd?" Ancillon and his friends considered this course open to objection, taking exception to the words "representation of the people" which, they said, were so often misinterpreted; whereas in Prussia the proposition was to represent only the "genuine people," namely, the landowners. Schönberg wrote in reply to this, with an obvious reference to Haller: "Anything in the world can be misinterpreted. Let the philosophers speculate as they please about the principles upon which states ought to be founded, let them discover and let them restore; Prussia's king and her illustrious house do not need to look to such theories for their salvation.

[1] Ancillon to Küster, April 6, 1822.

[2] Opinions of Schönberg, April 21 and May 21; Vincke, April 24; Ancillon, April 29; Schuckmann and Voss, May 10; Wittgenstein, May 18; Albrecht, May 18, 1822.

This salvation is firmly established upon the loyalty, the obedience, and the love of his majesty's subjects. I do not consider the term 'representation of the people' open to objection. 'The king and his people' is a beautiful expression, whose significance has been most gloriously displayed in a period of great happenings. A representation of estates remains always a representation of the people. Were it otherwise, all subjects who are not fortunate enough to possess landed property would in a sense be outside the law, and this is an inadmissible assumption." Voss bluntly rejoined: "His majesty, since the first issue of this ordinance upon which legislation is now to be based (an ordinance wherein, as I understand it, I can find no trace of a promise), has not given any further indication of his desire that it should be carried into effect; I indeed incline rather to infer the contrary."

Thus was first employed the disastrous phrase which soon became the war-cry of the reactionary party, and which was to be visited by grievous punishment a quarter of a century later. As absolute monarch the king was unquestionably justified in issuing a new ordinance by which the ordinance of May 22nd should be formally abrogated; but until he had done this he was bound by his pledge. Moreover, the ordinance certainly contained a solemn promise, as is plainly shown by the wording, and also by the definite assurance of Hardenberg, who had himself drafted it in accordance with the king's desires. What a confusion of all conceptions of right must ensue if these plain facts were now to be obscured, and if the preposterous opinion were to be maintained that the crown was free to disregard the ordinance of May 22nd without annulling it!

Was it not desirable, however, that the earlier promise should be repeated, and that a formal pledge should once more be given, securing for the provincial diets the right of election to the future national assembly? Vincke strongly advocated this course. Even Ancillon supported him here, for thus the only true principle of indirect election would be recognised in advance, and "the belief in the subsequent establishment of a general national assembly would be reanimated. We must not forget," he continued, "that the institution of a national assembly was definitely promised by his majesty, that the best men in the country desire such an assembly, that we have now to lay the foundations with an eye to this future development, and that in view of the high efficiency which we are

allotting to the provincial diets it is all the more inevitable that the general national assembly should in course of time come into existence, for such an assembly is the only thing that can provide a legal means of securing a compromise between the often conflicting provincial opinions." Voss, on the other hand, roundly declared that it was not for them "to anticipate the legislative will"; Wittgenstein and Albrecht agreed with him. Ultimately (May 21st) unanimity was secured in a weak compromise. The new law was to refer neither to the ordinance of May 22nd nor to the right of election to the national assembly, but in place of this was to adopt the utterance made in the decisive cabinet order of June 11, 1821, in which it was stated that the time and manner of instituting the national assembly was "reserved for our paternal care."

What a blunder! The law did not command, it did not even promise, but merely in non-committal terms held out the prospect that perhaps at some future date a national assembly might come into existence! The vague and ambiguous phraseology faithfully reflected the dissensions that prevailed among the legislators. Voss and Wittgenstein did not desire that there should be a national assembly at all, whilst the crown prince, Ancillon, and the two lord-lieutenants, still desired its institution. Through the mind of the prince there floated the idea that in its representative life the monarchy was to pass through the same slow course of development on the road to unity which the administration had already traversed. Yet again and again he was afflicted with the doubt whether it was possible to control the course of history in this manner. In October, long after the committee had finished its labours, he demanded Stein's opinion regarding the provincial diets, at the same time asking the baron in a beautiful and cordial letter whether he thought the national assembly should be instituted simultaneously with the provincial diet or immediately after these, or whether its establishment should be deferred until further experience had been gained. The letter arrived at an unfortunate moment. Stein was irritable and out of humour; he had already committed himself too deeply to the feudalist movement, the innermost nature of which conflicted with the idea of a national assembly. It is true that he exhorted the prince to have confidence in his excellent, loyal, thoughtful people; but instead of impressing

upon the mind of the hesitating man the need for the speedy summoning of a national assembly, he gave (in a manner quite alien to his character) an evasive answer, saying merely that the provincial diets would certainly furnish useful experience of which note might be taken with a view to the national assembly. There can be no doubt that this unhappy expression from such a mouth as Stein's exercised a profound influence upon the prince's judgment. Among all the statesmen of the day, Humboldt alone clearly recognised the random obscurity of the whole undertaking. He remained firmly convinced that it was wrong to begin fashioning the parts without having conceived a definite plan for the whole; and how wrong-headed it seemed to him to set to work upon the structure in the middle instead of first laying the foundations in the circles and the communes!

A question of form now came up for consideration, one which rendered the profound opposition between the parties crudely conspicuous. Were the general principles regarding the establishment of the provincial diets to be promulgated in a single law for the entire monarchy, and the details regarding the number of votes, etc., to be prescribed in special laws for each individual province? Or was each province to receive its special constitutional charter? Manifestly the nature of things and the ancient Prussian tradition alike favoured the first-mentioned form, which was also vigorously advocated by the two lord-lieutenants. It was settled that all the provinces were to receive constitutions essentially similar in character, and that brief special laws would suffice to prescribe for trifling deviations from the rule. But the adherents of the historical doctrine rejected everything which even remotely resembled a Prussian constitution. "Such a general law," contended Ancillon, "being a complete innovation, would be like one of the fashionable extemporised paper constitutions; each province should receive its own complete *charte*, an honour and an advantage which would certainly delight every one of them." Schuckmann wrote yet more definitely: "A general law would be regarded as the constitutional charter announced in the ordinance of May 22nd, and would from this point of view be exposed to the fiercest criticism." In the end, a compromise was again effected, mainly in accordance with the doctrines of historical particularism. A general law of a few lines which no one could regard as a constitutional charter announced the

institution of the provincial diets. This was followed by eight comprehensive provincial constitutions which, except for trifling deviations, repeated identical clauses eight separate times; and these "chartes," to use Ancillon's word, were also unfortunately inscribed upon paper!

Were these in reality the historical Landtags which were thus re-established? As long as the only aim was to hinder the carrying out of the chancellor's designs, it was easy to become enthusiastic for the inviolable rights of the traditional feudal corporations. But as soon as Hardenberg's opponents had to put their hands to the work of creation, the needs of the modern state exercised an irresistible pressure even upon these historical doctrinaires. The history of the new century demanded its rights from the older generation. All the institutions of the state were closely dependent upon the new subdivision of the provinces, and this was true, above all, of the fiscal system. The share of Altmark in the graduated income-tax had already been included in the general tax-total of the province of Saxony. If now, in accordance with the "historical principle," the Altmark estates were to be withdrawn from the Saxon provincial diet in order to be incorporated in that of Brandenburg, how was the Brandenburg provincial diet to arrange for the assessment of the Altmark taxes? The ordinance of April 30, 1815, had already declared that questions concerning the provincial diets were among the affairs appertaining to the new provinces, and had subjected these matters to the supervision of the lord-lieutenants. There was nothing arbitrary about this, for the new provinces had better title than the old territories to the name of historical corporations, since the former were based upon a living community of tribal origin and of custom, of memories and of intercourse. It was indispensable that the representative bodies should coincide with the eight new provinces, unless a gulf were to open between the constitution and the administration. Under the eyes of all was the alarming example of Hanover, where administrative and representative provinces were intermingled in hopeless confusion.

It was in this sense that Vincke and Schönberg spoke; and even Schuckmann, being an experienced administrator, took their side. Ancillon, on the other hand, thought it desirable that the modern administration should reconstitute its provinces on the lines of the old feudal subdivisions. For-

tunately the futility of this doctrinaire view received immediate and obvious demonstration when the narrower particularist patriots once more besieged the throne with petitions and grievances. The notables from Silesia demanded that the Schwiebus circle should be restored to their province. Of the Westphalian notables, two, Merveldt and Hövel, advocated the re-establishment of the old territories. The Lebus circle, the home of old Marwitz, which had been incorporated with Neumark, petitioned for reunion with Electoral Mark. The Schievelbein circle, far away in Further Pomerania, which had once belonged to Neumark, demanded a return to its ancient fatherland. The estates of the adjoining Dramburg circle, whose situation was precisely similar to that of Schievelbein, assured the crown prince that they desired to remain with Pomerania. Loudest of all were the complaints of the loyal Altmarkers, who wrote to the king as follows: "The separation of Altmark, the oldest constituent of the illustrious Prussian monarchy, from the other Marks, was effected simultaneously with the forcible detachment from the monarchy itself, and for this reason we beg that the memory of what then happened may be expunged." But the notables of Electoral Mark did not want Altmark back again, and the notables of the province of Saxony were unwilling to lose it.[1]

The manifest impossibility of giving simultaneous satisfaction to these conflicting particularist desires, and the overmastering need for orderly administration, ultimately compelled the committee to assimilate the local representative bodies in essentials to the boundaries of the newly formed provinces. The original tribal land of the monarchy was alone to be reinstated in its ancient historical glories: Altmark and the Pomeranian portions of Neumark re-entered the union of the Brandenburg provincial estates; with them, indeed, came also Jüterbog and Lower Lusatia, which had never belonged to the Marks. Thus, in the end, the venerators of the historical principle did not effect a restoration of the ancient diets, but created eight completely new representative corporations. To compensate particularism, the committee wished to give the traditional territories the right of the *itio in partes* (*i.e.*, voting

[1] Petition of the Lebus circle estates to the king, January 23; of the Schievelbein circle to the crown prince, November 15; of the Dramburg circle estates to the crown prince, December 12; of the Altmark estates to the king, January 6, 1822.

par ordre and not *par tête*) ; every provincial diet was to exercise the right as soon as any portion of the territory felt itself threatened in one of its special interests. Upon Schönberg's proposal, this dangerous privilege was reduced to a simple right to state grievances that might be felt by the threatened territorial section. On the other hand, the "communal constitutions" of the individual territories were to persist without change for the present. Yet it was only in Electoral Mark, Altmark, Neumark, the two Pomeranias, and the two Lusatias, that the old Landtags were reanimated as communal Landtags. In all the other provinces, the vestiges of feudal particularist life vanished before the new provincial diets, without leaving a trace ; everywhere the dead buried their dead. The man of County Mark joined willingly with the Paderborner in political activities, the Magdeburger gladly united with the Thuringian. Anyone who clear-sightedly noted how quickly the contrasts between the various territories within the respective provinces became effaced, was forced to recognise that this people was competent to receive the full blessings of the unified state.

The simple renovation of the old class-divisions was just as impossible as the re-establishment of the historical territories. The provincial diets, said the law, were instituted "in the spirit of the older German constitutions" ; they were "the legally established organ of the different orders of our loyal subjects." Frequently in later days did King Frederick William IV impress upon them that they were "German estates in the traditional sense of the term ; that is to say, above all, and in essentials, guardians of their own rights, of the rights of the estates ; and they must not interpret their vocation as being that of representatives of the people." The law laid stress upon the fact that every elected person actually belonged to his own estate and to his own electoral area ; and even gave the estates the disastrous right of the *itio in partes*. None the less, the provincial diets were nothing other than a one-sidedly constructed modern representation of interests. Since the ancient feudal corporations had everywhere been annihilated, it was impossible to bind elected persons to the mandates of their "estate" ; the delegates voted according to personal conviction, just like popular representatives. The restricted membership of the Landtags also prevented the institution of curiæ of estates, as demanded by Stein ; each provincial Landtag

deliberated in a single assembly, and arrived at valid decisions by the vote of a simple or of a two-thirds majority. Besides, in most of the provinces, to the despair of the antiquarian idealists, even the memory of the old caste-distinctions had completely disappeared. Who could now dream of once again making the clergy the first estate, although the clergy had alone ruled in the Landtags of the Rhenish lands of the crosier? Since, on the other hand, the rural system of self-government had not yet been carried into effect, and since for this reason the foundation for a reasonable gradational electoral system was still lacking, the committee was inevitably brought back to the three estates of Hardenberg's proposal—to a division of classes which was in the nature of things unavoidable, but was certainly not based upon historical tradition.

Stein and his Westphalian friends, amid passionate outbursts against the "destructive" inclinations of the officialdom, demanded that the nobility should constitute the first estate; the rule should be that four generations of ancestry, in conjunction with territorial possessions, were requisite to secure admission to the nobles' corporation. The majority of the Silesian notables desired that none but lords of the manor of noble birth should be admitted to the first estate; bourgeois lords of the manor should receive rights as members of this estate solely in virtue of a special grant by the king, so that "undeserving children of fortune" could be excluded from the first estate. Speaking generally, among the notables the arrogance characteristic of the nobles of that day manifested itself far more strongly than among the members of the committee. The enormous transformations which had taken place in the property relationships of the rural districts made it impossible for the committee to accede to such desires, and it was decided that all "lords of the manor" without distinction of birth should be accepted as members of the first estate. The concept "manor" was, indeed, quite unknown upon the Rhine, and in the east it was so vague that the Saxon notables vainly endeavoured to throw light upon it in twenty-one different definitions. A way out of the difficulty was found by the use of registers, which in the western provinces were to include also the names of "other great landowners." The result was that the first estate was a representation of large-scale landed proprietorship. But in accordance with the committee's proposal the crown reserved the right of giving special voting

power to the noble owners of great entailed estates. In addition, in four of the provinces, there was to be a special supreme estate for the mediatised and the members of the chapters.

The axiom that the right of admission to an estate is based upon landed property, had been established since the time of Hardenberg's first proposal; it was now interpreted so strictly that even the church, whose historical claim was indisputable, received no representation. The ownership of landed property was actually demanded from town residents before they could be eligible, and Stein raged with just anger against the exclusion of the most highly cultured energies of the urban population. Thus the preferences of historical romanticism for the nobility, and the class consciousness of the notables of noble birth, were at one in securing a distribution of voting power which was extremely unjust to the reasonable claims of the towns and the peasantry. The committee made it a rule that the great landowners should dispose of half, the towns one-third, and the peasantry one-sixth of the votes; only in the western provinces and in East Prussia was the lowest estate to receive more adequate representation. Of the 584 votes in the eight Landtags, 278 belonged to the mediatised and to the lords of the manor, 182 to the towns, and 124 to the peasantry. The modest voting power of the towns approximately corresponded to the relationships of population, for in the year 1820 the total population of the towns of the monarchy first reached the figure of three millions, whereas the inhabitants of the rural districts numbered eight and a quarter millions. But the urban voting power was far from corresponding with the influence which the culture of the towns, and the capitalised energies these had diffused over the rural districts, represented in the new society, and it was plainly apparent that under the circumstances of modern social intercourse the distinction between town and country had lost its significance as a point of constitutional law. Yet more disadvantageous was the position of the peasantry, for it was still regarded as a perilous venture to give the new estate any representation at all, and yet this estate, thus kept in the background, bore in the east a much larger burden of taxation than did the lords of the manor.

No serious objection was raised by any of the notables. It is true that the Silesian lords of the manor grumbled a little, saying that the sacrifices demanded of the nobility seemed

to them somewhat excessive; but only one burgomaster was found, also from Silesia, to suggest that the lower estates should be assigned greater voting power; while the peasantry were not represented among the notables at all. But Schönberg expressly demanded that each estate should have one-third of the votes. During the recess he reiterated this view in a letter to the crown prince,[1] and was not appeased until after it had been represented to him that the estate of peasants, especially in the Marks, was still in process of development, that the interests of that estate were for the most part coincident with those of the nobility, and that in case of need the peasant estate could avail itself of the right of the *itio in partes*. Moreover, the voting power of the peasantry was to be increased in the future "as time and circumstances might direct." But the time and the circumstances never appeared. Law-givers had accustomed the nobles to base their influence, not upon the arduous duties of self-government, but upon the convenient employment of the voting power of their estate, and how could it be expected that the dominant estate of the provincial Landtags should voluntarily renounce the power of the majority vote?

The political error of the temporary abandonment of the national constitution was most gravely avenged in the deliberations concerning the competence of the provincial diets. With the praiseworthy enthusiasm of youth, the crown prince hoped that a rich and multiform life would flourish within his "historical estates." Nor were Voss, Ancillon, Vincke, and Schönberg by any means willing to condemn the estates to impotence. It was not by the failure of goodwill, but through the inexorable consequences of the lack of a fundamental idea, that the committee was forced to impose narrow and yet ill-defined limits upon the power of the diets. Had the crown definitely determined that a national assembly should be established as soon as the provincial diets were in working order, the latter bodies would have had to be exclusively restricted to provincial affairs, and there need then have been no hesitation in assigning them extremely efficient rights within that domain, their natural sphere of activity. But now, when this decisive question hung in the balance, even the self-evident seemed dubious. The ordinance of May 22nd and the national debt edict prescribed definite rights for the national assembly,

[1] Schönberg to the crown prince, August 5, 1822.

but none at all for the provincial diets. With excellent intentions, Schönberg now proposed that the rights assigned to the national assembly should for the nonce be exercised by the provincial diets, and for so long a time as no national assembly had come into existence. This did not of course apply to all the promised rights, for it would have been preposterous to demand the assent of eight provincial diets to the issue of national loans. It was only suggested that each provincial Landtag should have the right of discussing all those laws "which aim at alterations in rights of person or of property and in taxation, in so far as they affect the province." On this occasion Ancillon was more far-sighted, and uttered the warning: "By assigning such powers to the provincial diets we shall produce the impression that we are impoverishing and disinheriting the future national estates in advance, and it will be inferred that the latter body is never going to be established." Despite this objection, the committee accepted the proposal, innocently considering that the modest deliberative competence could do little harm. Thus it was that the provincial diets were granted an extremely dangerous right, which did not increase their powers and yet arrested legislative activity. As Savigny complained in the year 1846, the eightfold deliberation with representative bodies which regarded every general law solely from the outlook of provincial interests was, in fact, "an endless screw."

It often happens that, while the right hand plays the spendthrift, the left hand is a niggard. Stein demanded that the estates should have the right of decisive co-operation in all provincial taxation and legislation. The good baron remained of his old opinion that in quiet times deliberative estates would do nothing at all and that in troublous times they would scarcely resist the temptations of sedition. At first the committee accepted the proposal.[1] Subsequently a justified doubt made itself felt. So long as the counterpoise of a national assembly was lacking, powerful provincial diets threatened the national unity; it was impossible to leave it to them to decide whether they would bear a burden themselves or shuffle it off upon the state. In the end, therefore, even in provincial affairs they received merely the power of deliberation. The simple right of sending petitions and statements of grievances to the throne in matters concerning the province

[1] Vincke, Memorial of January 7, 1823.

would necessarily lead to barren disputes about competence so long as no general diet existed. For in this closely-knit unified state almost every trouble affecting a single province had an influence which radiated beyond the provincial boundaries. Taking it all in all, the provincial diets, although they were declared to exist in virtue of ancient historical tradition, acquired a competence little greater than that possessed by the Napoleonic general councils, those masterpieces of levelling bureaucracy. The provincial diets, just like the general councils, could do no more than give unauthoritative advice to the state officials. But political corporations which have no genuine responsibility for their actions, either become unmanageable, or else lapse into slumber.

On the other hand, the provincial diets were assigned a restricted but fruitful sphere of local self-government, and one susceptible of expansion if a certain energy were displayed. "Communal affairs" of the provinces, the relief of destitution, highways, lunatic asylums and other institutions for the common weal, were handed over to their care, their actions in these matters being subject to royal approval. Far more momentous was the pledge that the reform of the circles' and communes' organisation should be effected solely with the co-operation of the estates, separately in each province. This was the triumph of feudal particularism. The advocates of the historical doctrine extolled it as a special advantage of the Prussian constitutional plan that it counted upon "organic development," that it allotted to the estates themselves the cultivation of their own institutions, in exhilarating contrast with the narrow-minded bureaucratic spirit of the South German constitutions. Hardenberg's and Friese's attempt to establish a uniform order throughout the communes' system of the monarchy had proved so complete a failure that the converse design was now adopted by the committee almost without opposition. Yet this question touched the foundations of the entire national life. By handing over the affairs of the circles and communes to eight representative bodies, the crown renounced an inalienable right of the state-authority, allowing the egoism of the estates to prevail in a domain which could not be equitably ordered except by a power competent to exercise energetic control over the interests of class. A circles' ordinance which would do reasonable justice to the interests of the towns and of the peasantry could never be expected to issue from the deliberations of such

diets as were now being constituted. Finally, the abolition of manorial police powers, the first prerequisite to any serious reform of the rural communes' system, was henceforward impossible.

In those days it seemed self-evident that the right of representation in the diet should be restricted to adherents of the Christian faith, and very few of the notables (one only among those from Silesia) took a different view. Ancillon actually cherished the hope that the Jews, being excluded from the right to representation, would in future be less inclined than of yore to practise extortion upon Christian land owners. All were agreed as to the payment of the members of the diets, for in this matter the egoism of the possessing classes coincided with old bureaucratic custom, and with the articles of faith of vulgar liberalism. Publicity of procedure, which is not indeed unconditionally necessary for provincial diets, seemed alarming and dangerous even to a Niebuhr and a Gneisenau. From the first, the committee regarded it as impossible, and the notables did not press the point.

When the labours of the committee were finished, Haller publicly bestowed his blessing upon them, announcing (happily in error) that the old delimitations of the possessions gradually acquired by the house of Brandenburg had now been re-established. "This ordering of affairs," he wrote with much gratification, "is essentially anti-revolutionary and restorative, a return to a natural state of things." But Niebuhr's friend de Serre regretfully declared that it was strange that the youngest of the great monarchies should voluntarily re-establish its provincial diets when these has ceased to exist in almost every other great state. It was, in fact, in crass contradiction with all the traditions of Prussia that this country, which could hope to maintain itself in no other way than by the vigorous consolidation of its powers, should now, for the sake of a romanticist doctrine, call centrifugal forces into life. Nevertheless the hopes of the feudalists soon proved fallacious; and no less unwarranted was the malicious joy of those federalist imbeciles who were already looking forward to the day when the artificial structure of the Prussian state was to fall a prey to the primitive forces of disintegration. What was the essential outcome of this long struggle? The attempt to introduce in the constitutional sphere the unification which in the administrative

sphere had by now been completed, had failed. The old relationships of the eighteenth century were temporarily re-established in modern forms. In the provinces there were representative bodies lacking power and life, subordinated to a state-authority in which were concentrated all the upward-striving energies of the life of the community. Consequently the national unity was not a whit diminished, and all that could be said was that for the moment it had not been possible to increase it. In this state-structure, held together by the firm bonds of a modern administration, it was impossible that a medley of semi-independent crown-lands such as existed in belauded Austria, could come into being. The powerless provincial Landtags could effect very little, but they were also incompetent to hinder the process of practical German unity. So robust was the health of this state that it was able to throw off the fever of particularism. Administrative activities and compulsory military service, free intercourse and universal education, united the inhabitants of the monarchy in a loyal community, and were competent in quiet activities to destroy all those forces of resistance which were still opposed to the unity of the German state. When at length, after the lapse of a quarter of a century, the provincial diets coalesced to form the United Landtag, there assembled round the throne, not the representatives of eight distinct provinces, but the citizens of a single state, the sons of a single people. The ancient territorial animosities had ceased to exist.

During these negotiations, the nation remained silent and indifferent. The cause of the feudalists alone continued from time to time to find a defender in the press. Among the friends of the constitution, discouragement universally prevailed. Even Gneisenau had abandoned the hopes of earlier days so completely that he now definitely advised against the summoning of a national assembly. It is true that in the salons of the capital there continued to crawl and whisper a malignant opposition, which, with all the arrogance of Berlinese omniscience, abused every step taken by the king, even his most carefully thought out resolves, not excepting the tariff war against Coethen. Among the masses, too, much tacit dissatisfaction prevailed: the times were too difficult, taxation was high, and wages were lamentably small. Since the indemnities secured at the congress of Aix-la-Chapelle had not

gone very far, many poor people had been disappointed in their hopes of recompense for their losses through the war, and among such persons the most preposterous lies found credence. It was generally related that the civil list was being met out of the French money—a fable that continues to find occasional currency even to-day. Nevertheless the old loyalty of the Prussians remained inviolable. An attempt at revolt initiated by von Hedemann, a West Prussian head-ranger, in the summer of 1821, was so obviously the work of a man of weak intelligence, that even at court the alarm did not long endure.

In November, 1822, the twenty-fifth anniversary of Frederick William's accession was celebrated almost everywhere with gratitude and joy. It is true that in Berlin the festival passed without much elaborate display, for the king was absent in Italy, delighted to have escaped the tributes of respect at home. Not a word was heard about the constitution. Only Friedrich von Raumer, the historian, ventured in an academic oration to declare before the crown prince that the long-standing pledge had not yet been redeemed, and that provincial diets without a national assembly resembled a body without a soul. Thenceforward academic ceremonials in the capital began to acquire political significance, the professorial chair occasionally assuming the position which properly belonged to the parliamentary rostrum. Demands to which no one dared to give expression in the press were here frankly uttered, but always with moderation and dignity, for the Berlin university never sank into the abysses of party passion. The king accepted the ceremonial oration in a friendly spirit, but the supreme committee of censors, to which Raumer himself belonged, refused its imprimatur, and the speech was not printed till a year later, in Leipzig.

Meanwhile the vital energy and the prestige of the aging chancellor were rapidly declining. With the shipwreck of his constitutional plan, his political role had terminated. Even yet he would not abandon hope, and despite all that had happened he met his foes with confident serenity. But he had excluded himself from the constituent deliberations. What little work he still did in his weakness related to administrative reform. If he could but carry this to a successful issue, he would withdraw from public life, so he told Witzleben, and would subsequently deal only with business expressly entrusted to him by the king. In every stirring career, a moment comes

when the consequences of all mistakes seem of a sudden to be simultaneously discharged upon the head of him who has made them. It was such a time that Hardenberg had now to endure when he stood on the edge of the grave. His penance was severe, almost excessive, for the personal weaknesses of statesmen are not unpardonable unless they injure the state, and Hardenberg's political conduct had never been determined by his vulgar entourage. The unsavoury activities in his household ultimately became a public scandal, when the adventurers and second-rate writers who surrounded him took to evil courses. Dorow who had unearthed valuable antiquities on the Rhine, and who had wished with these treasures to secure a niche for himself in Bonn, was for excellent reasons ill received by the professors, and on this occasion even the pliable Altenstein ventured to resist the orders of Hardenberg, who espoused the cause of his protégé with paternal tenderness. The chancellor had to keep the peace between his somnambulist favourite Friederike von Kimsky and her despicable husband. Even Koreff, the thaumaturge, had made himself a nuisance, for, to Altenstein's despair, he besieged the ministry of public worship and education with crude proposals for the reform of the universities, and was at length unseated after an odious dispute with "fat Schöll." It was astounding how, amid all this scum, Hardenberg ever remained a man of distinction, childlike in his goodness and trustfulness, but a ready prey to every rogue with whom he came in contact. Moreover, his need for money continually increased. Whilst the committee for the simplification of the administration was conscientiously considering the possibility of dispensing with every petty official, while everything was emphasising the need for economy and the king had personally handed over 250,000 thalers from the civil list to cover the deficit for 1822,[1] Hardenberg was the only man in this thrifty state who squandered the public funds. Having unrestricted powers, he drew money just as he pleased. The king contemplated this extravagance with growing displeasure, and ultimately, hoping to put an end to it, he offered the chancellor a very large sum as a fixed annual salary. But Hardenberg's debts were already so large that he was forced to reject the proposal.

Thus Frederick William became continually more estranged from his chancellor. After the appearance of Benjamin

[1] Hardenberg's Diary, July 7, 1821.

Constant's writing, he even suspected Hardenberg's honesty, for Constant had married a niece of the chancellor, and how could anyone believe at court that the uncle had really known nothing of the nephew's book? On the other hand, the king's confidence in old Voss steadily increased, for Voss was a man of strict morality, meticulously conscientious; and in September, 1822, the king declared his intention to summon Voss to the ministry as vice-president. Hardenberg accepted even this humiliation, remaining in office, and allowing the irreconcilable opponent of his constitutional plans to be appointed as his proxy. The victory of the feudalist reaction was complete. Gentz wrote triumphantly that all intrigues on behalf of a national assembly had at length been frustrated. He regarded the king of Prussia as the saviour of Germany and of Europe, and declared: "The only thing lacking to this state is that it should be Catholic, and next to Austria it is the most powerful prop of the world." Immediately after this, the king departed for the congress of Verona, leaving the conduct of affairs in the hands of the crown prince, whose presence in Berlin was in any case indispensable as long as the constituent committee remained sitting. The chancellor saw that the opposition was becoming insuperable. What could he do against Voss and the crown prince? His power was broken, he relinquished the struggle, abandoned the field to his enemies, and followed the king to Verona—to the joy of Wittgenstein, who secretly dreaded lest the crown prince and the chancellor might even now come to an understanding.

It was now that Hardenberg received the first information regarding the labours of the constituent committee. On September 16th, the king sent him the committee's completed proposals, the general law and the Brandenburg law, and asked his opinion. In the press of his departure the chancellor was unable to complete his reply in person, and he commissioned the faithful Friese to elaborate the opinion. In a memorial dated November 2nd, Friese once more assembled the leading ideas of Hardenberg's original design for a constitution.[1] He most definitely advised the rejection of the committee's scheme, and the elaboration of a new plan which, proceeding from below upwards, from the communes to the

[1] Cabinet Order to Hardenberg, September 16; Friese, Memorial concerning the Provincial Diets in general and the Brandenburg Diet in particular, November 2, 1822.

national assembly, should embrace the totality of the representative institutions. The principal objects of this work must be to reduce the excessive power of the nobility and to mitigate class contrasts. There should, therefore, be allotted to each estate an honest third of influence; hence, in the towns, all burghers should be represented, and not merely the urban landowners. In especial, the communes' ordinance and the circles' ordinance should be established by royal command, not by the provincial diets, for, proceeded the memorial, "we are building, not for the past, but for the future. The success or failure of the Prussian state is inseparably associated with the principles upon which the representative constitution is to be based, and upon the manner in which that constitution is constructed."

Thus did the reformer of 1810 manifest once again how wide was the gulf which now, as throughout his life, separated his views of the state from those of the feudalists. The memorial was his political testament. Hardenberg's death took place before it had reached the king. The weary old man barely put in an appearance at the congress of Verona; moreover the brief and disjointed entries in the closing pages of his diary suffice to show that his intellectual powers were gradually leaving him. The unworthy woman who had already brought so much sorrow upon his grey hairs was still with him, for Friederike the sleep-walker followed him south. Who can read without a shock the last words of his diary: "November 9th, arrivée des Kimsky!"? In this company he left Verona to visit the Riviera. When the carriages reached the Genoa lighthouse, by that curve in the shore where the view suddenly opens upon the wide semicircle of the harbour, with the town rising proudly behind it, the old man's gentle and kindly nature led him to give fresh expression in moving terms to his youthful delight in all that was beautiful. It was long before he could tear himself away from the splendid view, declaring that in all his long life he had never seen a finer. A few hours later he lay upon a sick bed, and, after a brief illness, passed away on November 26th.

He died too late for his reputation. Detested by the reactionaries, an object of suspicion to the conservatives, he had lost the respect even of the liberals through the pusillanimity of his closing years—for the liberals knew nothing of the earnestness of his labours for the constitution. Hardly

anyone felt how tragical it was that the current of a great life should thus spend itself in the sand. The king gave public expression to his regret at the death of the administrator whose memory would never perish; and in the *Oesterreichische Beobachter* Gentz dutifully plucked the strings of the official harp. In reality, Frederick William had long before broken with the man who had once stood so near to his heart. He received the news of Hardenberg's death with such indifference that those around him could scarcely recognise the kindly-natured prince, and Wittgenstein said to young Count Redern, "This may teach you what kings think of ordinary mortals."[1] The affectionate Stägemann alone could not forget what his Brennians (for thus did he speak of the Prussians) owed to this dead man, and he sang:

> But thou art not silent, trumpet of Clio.
> And thou, rich fabric of the Brennians' future,
> At which this master-weaver was ever at work,
> Art laid in purple folds across his quiet tomb.

In very truth, though one or two great monarchs may have done so, never before had any subject introduced so many new threads as had Hardenberg into the web of destiny of this state. Was it credible that he had been no more than twelve years at the head of the administration? What an abundant activity had been compressed into the brief period of his chancellorship: first the overthrow of the feudal social order; then victory and resurgence; then the reacquirement of half of the state domain; then the reconstruction of the administration and the liberation of the Prussian market; and finally the tax laws, and that national debt edict out of which in days to come the Prussian national assembly was to issue. Though all these successes were not the sole work of Hardenberg, they would not have been possible without him. We of a later generation recognise the limits of his endowments when we compare him with the first chancellor of the German empire; and we measure the value of his fruitful creative activities, whose influence still continues, when we compare him with his Austrian rival who, momentarily more favoured by fortune, was in the end to witness the collapse and total disappearance of his life work. The idealism of our people makes them

[1] Oral Communication from Count Redern.

exacting in their judgments of men of action. The Germans wish to love those to whom they owe respect; in the profound solitude of his closing years King Frederick had experience of this. But they wish also to respect those to whom they owe love, and since the soft-natured and light-living youth with the grey hair commands so little respect, the love of the Germans, when they think of the wars of liberation, goes out always to the heroes of the will, to Stein and Scharnhorst, to Blucher and Gneisenau, whereas Hardenberg's peculiar greatness has remained thoroughly comprehensible only to a small circle of political thinkers. The national conscience feels that the destiny of states is determined, not by talent, but by character.

APPENDIXES

TO

VOL. III.

V.—THE BURSCHENSCHAFT AND THE UNCONDITIONALS.

(APPENDIX TO P. 51, VOL. III.)

It will readily be understood that great difficulties exist in the way of a description of the activities of the Unconditionals, for it is far from easy to gain a true picture from investigations concerning essentially false utterances, and conducted in a partisan spirit. To me, however, it seems a duty imposed upon the conscientious historian to avoid sparing political assassination. No one who understands the nature of fanaticism should allow his judgment to be swayed by contemplating the excellent qualities that distinguished many of the young enthusiasts. In all other respects the fanatic may be as innocent as a child, but on behalf of the one idea which dominates his mind like an obsession, he will indifferently trample all moral commands under foot. Such a man was Sand, honourable, harmless, well-disposed towards his friends, but towards the minions of tyranny a conscienceless liar and assassin. Such a man too was Carl Follen, but incomparably more gifted and therefore far more dangerous.

Baumgarten errs in supposing that my judgment of the Unconditionals was formed solely from the accounts furnished by Leo and Münch. It may be said in passing that Leo's picture of his youthful days is far from being so prejudiced as Baumgarten contends, for it is the most lively and brilliant description of Jena student life which our literature possesses; but it is necessary to use the book cautiously, for the hot-blooded man's judgment of the youthful ideals with which he had so completely broken, though cynically upright, is not

always free from bias. At least as instructive as this work and the other relevant and more recent writings of Menzel, Henke, Simon, Clöter, and others, was the older literature, long ago consigned to oblivion, and with which Baumgarten would seem to have no intimate acquaintance: for instance, Jarke's work on Sand, a perspicacious and solid criminological study, which received well-justified praise even from R. von Mohl, one of Jarke's political opponents; Hohnhorst's report of Sand's trial; and, above all, the writings of the Unconditionals themselves, and in especial *The Great Song* by Carl Follen.

In the text I have given some fragments of this song. I here append additional extracts and leave the reader to form his own judgment:

Brothers, not thus shall it happen!
Let each now seize his weapon,
Ward off these harms!
Freedom, thy tree rots away!
Each man must now beg his way
Till death hunger's pangs allay
People, to arms!

Brothers in silk attire,
Brothers who work for hire,
Go hand in hand!
Summoned by German need,
Follow all God's good rede:
Death be th' oppressor's meed;
Rescue the land!

Then alone shall come good
When ye, for blood and good,
Stake goods and blood.
Cleavers and scythes not few,
Turning to purpose new,
Despots' heads off shall hew!
Fierce be your mood!

And then again:

Arise, Arise, God make you free,
Cast off the chains of slavery,
To Freedom's promised land make way.
Through the Red Sea your course now lies,
The sea which, fed by your children's blood,
Shall overwhelm King Pharaoh's brood,
Of crown and army making prize.

And so on, for the length of an entire broadside.

If this does not mean preaching murder and revolt, then the German language has lost all signification. Moreover, these verses were not from the pen of a foolish windbag. They were written by one who, according to the unanimous testimony of friends and enemies, attained to an early maturity, was coldly reasonable, a man who weighed every word. It is undeniable that the first germs of that devastating radicalism which a generation later raged across our land are here unfortunately displayed already in the Burschenschaft, not in the respectable entirety of that body, but in a small sect of extremists among its adherents. Now the chief of these extremists was Carl Follen. Apart from much other evidence, this is proved by Sand's behaviour under examination. When it was necessary to protect Carl Follen, Sand was ready for any lie, and even to make a false accusation against his bosom-friend Asmis. A work by K. von L. *Adolf Lützow's Volunteers* (Berlin, 1884), is directed against an essay by A. Koberstein upon *Lützow's Wild and Daring Hunt* which was published in the *Preussische Jahrbücher*, and K. von L. referred several times to my history as the principal source of Koberstein's views. I consider it needless to enter into a polemic of this character, for Koberstein's essay is dated "Dresden, March, 1881," while the volume of my history which deals with these incidents was not published until November, 1882. The sole noteworthy facts which the writer adduces against me refer to the colours of the Lützowers' uniform, and these serve merely to confirm what I had said. The writer admits that the Lützowers wore black accoutrements with red facings and gilt buttons. These colours, black with red-and-gold ornamentation, are those in which "the black volunteers" are figured in all pictures of the year 1813. Since, of the three founders of the Burschenschaft, two were old Lützowers, I continue to regard it as extremely probable that the tradition which derives the colours of the Burschenschaft from the colours of the Lützowers' uniform is correct. When writing of the matter in the history I had no better foundation for this belief. Recently, however, in the Körner museum at Dresden, I came across a memoir by the old Lützower Anton Probsthan of Mecklenburg (ob. 1882) wherein he relates that his relative Fräulein Nitschke of Jena presented the Burschenschaft with a flag at the time of its foundation, and for this purpose chose the black-red-and-gold colours of the defunct society Vandalia.

I have not hitherto been able to demonstrate the accuracy of this account; but it seems to me improbable that the Burschenschaft, which came into existence in conflict with the Landsmannschafts, should have adopted the colours of a Landsmannschaft, unless, perchance, the Vandals wore the same colours as the Lützowers.

A few additional rectifications and amplifications. Von Buri, the young lawyer of Giessen, so his family declares, did not belong to the extreme section of the Burschenschaft. Among his papers was found the plan for a national constitution drawn up by the Blacks (*History of the Secret Societies*, II, p. 81). His poem, *Scharnhorst's Prayer* (subsequently renamed *Kosciuszko's Prayer*), was in its original version blamelessly patriotic, and did not acquire its revolutionary characteristics until after its elaboration by the brothers Follen. The family of H. K. Hofmann likewise considers that it has definite ground for the opinion that he was never in intimate relationships with Carl Follen. In later years both Buri and Hofmann were reasonable patriots of moderate views.

The farce *Our Traffic*, which in the year 1819 aroused so much anger among the Jews, bore on its title-page as author's name K. B. Sessa. All the world endeavoured to discover who could be hidden behind this pseudonym. Goethe, even, was suggested; and it was widely asserted that the house of Rothschild had offered a reward for the discovery of the malefactor. As the outcome of well accredited communications from the author's family, I am now able to give his name. *Our Traffic* was written by Superintendent Carl Andreas Maertens of Halberstadt.

VI.—HISTORY OF THE BURSCHENSCHAFT.

(APPENDIX TO PP. 187 ET SEQ. VOL. III.)

FROM the documents of the grand-ducal archives in Weimar, to which I was able to refer in preparing the fourth edition of the second volume [German], I append here certain details relating to the history of the year 1819.

After Stourdza's memorial, and after the congress of Aix-la-Chapelle, the courts had been greatly concerned about the universities. Consequently Grand Duke Charles Augustus,

for the protection of his beloved university of Jena, and lest worse should befall, availed himself of an idea mooted in the Bundestag by Hanover, and on March 11, 1819 (that is to say, before Kotzebue's assassination), had a proposal made by von Hendrich, his federal envoy, that the Federation should institute regulations for university discipline, but that this should not involve any restriction of the ancient academic freedoms of Germany. In the following May he sent Privy Councillor Conta to Frankfort expressly to further this proposal. After Sand's crime, he had a despatch written by Count Edling, minister of state, in which it was declared: "All the incidents which during recent years have aroused suspicion abroad regarding the spirit prevailing among the Jena students, have been the work of foreigners." Sand's action was, he said, an additional proof. (Edling to Hendrich, March 28, 1819.) In conformity with this view, the grand duke and Duke Augustus of Gotha issued on March 30th a rescript to the university, declaring that during the years 1816 and 1817 the university youth had not disappointed the confident expectations of the Nutritors (princely patrons). Since then, however, "to our grave displeasure, the spirit of the students has occasionally exhibited a destructive tendency. This mood," continued the rescript, "threatens to extend more widely day by day. Much of the poison is introduced into Jena from foreign universities and schools"; till further notice, therefore, foreign students could not be admitted to study at Jena without the special sanction of the government of the country from which they came.

"Since difficulties appear to arise in connection with the investigation which has now to be undertaken under the guidance of the senatus academicus," the grand duke appointed on March 29th a special committee to try to discover Sand's possible confederates. It consisted of von Könneritz, the chamberlain, and Emminghaus, the governmental assessor. But these officials conducted their investigation as cultured individuals well acquainted with academic customs, working conscientiously and benevolently, and also very affably, after the easy-going Thuringian manner. It was obvious that the government desired to do all it could to spare the young braggarts, and it is very probable that many of them were got out of the way in good time by an official hint. From the first the enquiry was marred by the disintegration of the

German legal systems, for a committee had been appointed simultaneously in Mannheim to examine the assassin and his possible accomplices. The two committees acted in complete independence, their only communication being by means of a formal exchange of letters, and the Weimar committee complained on May 12th that while it was sending minutes of its own proceedings to Mannheim, the Badenese minutes were not being despatched in return.

Suspicion first fell upon Sand's most intimate friend, the divinity student Gottlieb Asmis from Mecklenburg. On March 27th, immediately the terrible news reached Jena, Asmis had left for Wunsiedel to inform Sand's unhappy parents of what had happened, and for the moment the authorities contented themselves with a domiciliary search, which led to no result. So lenient was the procedure, that not until April 7th, several days after his return, did Asmis appear before the committee. He innocently declared that the proceedings against him had been "a great shock" to him, and that this was why he put in an appearance so late. The committee described him very accurately as "a good-natured, insignificant, extremely stupid, but true-hearted man, devotedly attached to the assassin, and capable of numerous follies under the influence of his political enthusiasms." During the enquiry he was locked up for a time. At the subsequent hearing it was established beyond dispute that the young man had been completely without prior knowledge of his friend's design; had he known of it, he would certainly have frustrated it; "murder is murder," he said frankly.

Very different was the character of the proceedings against Dr. Carl Follen (or Follenius as he then styled himself). Follen, with the confidence of a skilled advocate, took a firm and defiant attitude. In ticklish questions he invariably exhibited an astounding weakness of memory, which seemed almost miraculous in the strong-willed and coldly calculating man. This petty Robespierre was endowed with great terroristic powers, and he played with the committee as a cat plays with a mouse. In his friends' letters he was often spoken of as "a predominant man," as one who was able to crush others morally. On one occasion, they begged him to dissuade a hotheaded young comrade from indiscreet political utterances, for Follen alone was capable of exercising the necessary influence. Since, in his first examination (April 2nd), Follen

was unable to remember anything accurately, a domiciliary search was immediately instituted. He looked on quietly while the secretary to the university and a registrar went through his papers. Suddenly he took a paper out of the pile, a letter dated the previous February, addressed to him from Eisenach, and put it in his pocket, declaring, what was afterwards shown to be untrue, that this letter belonged to his brother. He then hurried from the room, and did not return for several minutes. The alarmed officials immediately haled him before the committee. Here he promised to ask his brother for permission to make the letter public, went away, and, returning after a long interval, reported that his brother refused to hand over the document. Now the committee sagaciously inferred that the letter must already have been destroyed, and that the best thing to do would be to seek out the reputed sender in Eisenach. Follen was left at liberty, and made use of his time to parley with Asmis. Certain persons in the street saw Follen standing at the window of von Wintzingerode's room, which was close to the lock-up, talking from this window to Asmis; another student was standing beside Follen, and most of the witnesses believed that this was Wintzingerode himself. Not even the committee could now avoid suspecting that on this occasion some collusion had been going on. Follen, however, maintained that all he had said to the prisoner was a friendly word of greeting, and when he was thereupon asked to give the name of the student who had been the only auditor of the dialogue, he was once more affected by his distressing weakness of memory (Minutes of May 3rd). He was absolutely unable to recall who the young man had been, although the conversation had taken place but a few days before. Next day, May 4th, he was re-examined by the secretary of the university; once again he could remember nothing, but he promised to let the committee know by the end of the week if anything had recurred to his mind in the interval. On May 7th, he duly wrote to the committee, regretting that he could give no further information: "At the time the affair seemed to me of no importance, and in matters which I regard as trifling my memory is so weak." The brilliant idea of asking Wintzingerode does not seem to have occurred to the committee; at any rate, the minutes say nothing of the matter.

In view of this excess of good-nature, the fundamental

mendacity of the Unconditionals had free play. Various indications, and a certain amount of direct evidence, showed with considerable probability that Follen, although his own circumstances were far from easy, had given the murderer money for his last journey, and had also received from Sand for safe keeping a packet of papers, some of which were subsequently published in the newspapers. Very remarkable was the fact that Sand, whose usual practice it was to inscribe all his petty debts with extreme accuracy in a special account book, had made no entry of this last and greatest item. Follen, thanks once more to his weak memory, could give no precise information about the matter. When examined at Mannheim, Sand declared that he had received the money from Asmis, and that it was to Asmis to whom he had given the packet. This was too much for poor Asmis. Greatly excited, his eyes streaming with tears, he declared again and again, "I cannot admit this, not even for the sake of Sand." The young man's distress was manifestly undissimulated, and the committee at length arrived at the opinion, which less easy-going persons would doubtless have formed sooner, that the initiates were telling all these lies with the sole purpose of saving their chief Follen at all hazards. On May 28th, therefore, the Jena committee wrote to that of Mannheim: "Is it not possible that Sand may desire to avert suspicion from other persons who in his view are able and circumspect, likely to be of value and significance to Germany in important concerns, and that he may prefer to throw the onus upon some ordinary and insignificant man of whom he anticipates nothing great in the future?" Or perhaps Sand had hoped that Asmis would voluntarily take the blame upon himself (by no means impossible among such enthusiasts), whereas Asmis had not taken kindly to the idea.

Since Follen's obdurate lying and unprecedented weakness of memory had in the end aroused suspicion, he was at length arrested on May 11th, and sent to Weimar, where the committee was now sitting. In a second domiciliary search a long and extravagant letter from Sand's mother to Follen was discovered. The unhappy and infatuated woman compared "our pure, great martyr" to Martin Luther, writing, "in many respects, too, he has unquestionably, allowing for certain differences, exercised an influence similar to that of the great reformer." She would like to have the grave in Mannheim decorated with

flowers "until one day, perhaps, Germany will gratefully erect a memorial" [which, as everyone knows, has now been done]. To Follen she says, "May God bless you for using your strength to save his life." These words referred to the foolish plan which was often discussed in the circle of the Unconditionals of rescuing the murderer by force. At the hearing of May 11th the old game was renewed; Follen's memory remained incurably weak. When Könneritz at length told him that it did not look at all well for him to continue to declare that he could remember nothing of the affair, Follen answered impudently that this was to him a completely new principle in criminal law, and protested against the entire investigation. The proceedings as a whole afford decisive proof of the advantages attaching to public and oral hearing. Before a modern court of law a man of Follen's reputation and culture would not long have ventured to play such a part. The very next day, May 12th, Follen sent the committee a written demand for his immediate liberation, on the ground that he did not wish to miss his lectures, explaining with casuistic adroitness that the worst he could be accused of was a failure to read the signs, and that this was not a punishable offence. As an outcome of this letter he was on the same day once more confronted with Asmis, but his memory again left him in the lurch. He was then set at liberty. At the subsequent hearings (May 23rd, and June 8th and 10th) the same farce was re-enacted, Follen continually deposing that he had no precise recollection of what had happened. When Sand at length retracted some of his lies, Follen opined that Sand must have been out of his mind, and offered to swear that he had never received the packet from Sand—an oath which, in accordance with the principles of the Unconditionals, it would cost him very little to make. Regarding the Unconditionals he said innocently, as if to make a mock of the committee: "An Unconditional is a man who strives unconditionally for cultivation, and who acts unconditionally in accordance with his conviction."

The philosopher Fries was also examined, on April 3rd and subsequent days. He declared that he knew absolutely nothing about the revolutionary party in the Burschenschaft, and refused to believe that an inner league had existed. It was however remarkable to observe how strongly even this professor was befooled by the subjectivist morality which had

led the students' intelligence astray. He expressed his opinion quite frankly that Sand had been convinced by a number of his fellow-students of their willingness to devote their lives at any moment to the cause which they, like Sand himself, recognised as good and salutary. This confusion of ideas was general, and few took so sober a view as did old Frommann, who on March 28th wrote to his son, a member of the Burschenschaft: "I come, now, to our youthful Solons and Aristarchuses! Look at them in the seventh heaven under the influence of a series of fallacies and inconsequences; note how their minds have been misled by a number of half-understood and misunderstood propositions; contemplate the manner in which they pass facile judgments about all the affairs of life and of the state. I am profoundly concerned, I am grieved to the soul, for it is not by this route that we shall make our way to better times." Kieser, a medical man friendly to gymnastics, had nothing relevant to depose, and was already voicing that ingenious theory which has since then become a fad of the doctors, opining that Sand was mentally disordered, perhaps even the subject of hereditary taint. (Kieser to the senatus academicus, April 4th.) The examination of young Heinrich Leo (April 3rd) proved equally fruitless. The committee of the Burschenschaft was also examined, on the command of Charles Augustus, but since the Burschenschaft as such had nothing to do with the Unconditionals, and since many of the members of the former body knew nothing about the existence of the secret society, on April 28th the committee reported as follows to the grand duke: "We are now able to declare with absolute certainty that the Burschenschaft association and its principles did not exercise the remotest influence in causing Sand's actions; that the Burschenschaft continues to exist in its pristine purity; and indeed that this organisation, during recent months in which its membership has considerably increased, has perhaps assumed a more equable character, one more suitable to academic youth and to the relationship in which the students stand to the state." Indubitably these well-meaning words were not in complete accord with the personal opinion of the good prince, who but five weeks earlier had publicly declared that the spirit of the students had very recently turned here and there in disastrous directions. In the end, the only thing certainly proved against Dr. Follen was that he had furnished the assassin with money

for the journey, and this offered no ground for legal action. For additional characterisation of the German legal procedure of that day it may be mentioned that Privy Councillor Conta, who had gone from Frankfurt to visit the Mannheim committee, brought back thence the Weimar documents in his own carriage because such papers could not be safely entrusted to the Thurn and Taxis postal service. (Conta's Report to the grand duke, May 4, 1819.) It is not part of the historian's duties to assume the role of public prosecutor, but after the study of the Weimar minutes I feel it necessary to maintain down to the very last word what I have written in the text regarding Follen's character and political activities.

Numerous letters and anecdotes show that long before his crime Sand had indulged in vague dreams of a hero's death. In additional confirmation, I reproduce here the leaf of an album, of which the original has been shown to me by a friendly reader:

"Our life is a hero's course; speedy victory; early death! Nothing else matters, if only we are real heroes. If only we strive, in continuous upward soaring and prayer, towards our heavenly father, and in dauntless enthusiasm live for his will. We never fail to conquer when we are personally efficient and alert. Premature death does not interrupt our victorious career, if only we die as heroes. Let our device be: With lowly spirit to maintain a *pious belief in God*, to *love actively* what we have to do here on earth, to *love actively* our nation and our fatherland. We must live in freedom, or go freely to join our happy forefathers. Amen!"

"If you gain a firm footing in Voigtland, give a thought to your neighbour in the Fichtelgebirge engaged in the same struggle, and join in German friendship for the good of the fatherland with your devoted

"CARL LUDWIG SAND,
"*the student from Wunsiedel*

"*Jena,*
"*June* 21, 1818."

The innocent patriotic hopes with which the students were animated at the time of the Wartburg festival find faithful expression in an Instruction which Franz Hegewisch of Kiel gave, on the way to the Wartburg, to Justus Olshausen, a student from Kiel who subsequently became a distinguished

orientalist and who was for many years referendary for the Prussian universities. At this time, Hegewisch was thirty-four years of age, a skilful and discerning physician. His principles recall the well-known *Confession of Faith* of the philosopher Fries, but are far more judicious and thoughtful, and are characterised by profounder political insight. None the less they demonstrate how nebulous and inflated were the dreams amid which the age still moved.

PROPOSAL

for certain resolutions for formulation and adoption at the Wartburg on October 18th.

JUSTICE ON EARTH!

Against their most dangerous and most hateful of enemies, the Germans have fought with vigour, with good fortune, and with a happy issue. But what were we fighting for? We were fighting for better times. The day of justice must come. The blood of the German youth must not have been shed in vain; it was poured out cheerfully and willingly, so that right should be securely established against might, not from without merely, but also from within. We long for justice and order; we desire that good laws shall prevail.

Germany is fertile in the production of heroically-minded young men, who with glad hearts marched to participate in the struggle against the enemy of the Germans, the enemy of all virtue and truth. But never could the victory have been won unless these youths, filled with ardour for the fray, had been disciplined, and unless their united forces had been brought to bear in an orderly manner, at the right hour and at the right place.

Germany is full of well-intentioned and well-instructed youths whose hearts are burdened with longing for the good of the whole, whose impatience to work for good ends grows from day to day. But if the pure will and the vigorous energy are not to remain sterile and powerless, these forces must not be content to strive towards the indefinite and the general, but must be regulated and directed towards definite goals. In the future we must and will establish legal ways along which the desires of uninstructed men of goodwill may become known

to rulers, may secure publicity. This will happen in the future. But since, in the greater part of Germany, such legally established ways are still lacking, since, in the greater part of Germany, the thirteenth article of the federal act has not yet been carried into effect, desirable changes can be brought about in no other way than by the free conjuncture of sentiments and forces at certain points of transition from the old to the new time, and the necessary can come to pass solely along an unaccustomed route, by the free determinations of the assembled German youth at the freely chosen consecrated meeting place. Our desires and our longings should be expressed in definite propositions, to which those of goodwill who are absent from our gathering may by degrees make their adhesion. This imperfect attempt, which, in the compiler's view contains nothing that conflicts with the good spirit of the German federal act, is to be made generally known as a preliminary essay, in order that, by the deliberation and collaboration of many, on the ensuing October 18th there may come into existence a complete confession of faith of those who protest against tyrants.

FUNDAMENTAL PRINCIPLES OF OCTOBER 18TH.

Opportunities are fugitive, life is full of difficulty; enthusiasm is transient; consequently it is desirable that good resolutions should be adopted in good time, and should be made generally known as common decisions.

We young men, assembled at the Wartburg from numerous regions of Germany (here append the principal rivers and mountains, but give no political designations), after thorough discussion, have arrived at unanimous convictions, and have come to the following conclusions.

(1) Germany is, and shall remain, ONE. We cannot accept the belief that Germany is composed of thirty-eight islands. We Germans are brothers; we desire to be friends. If Germans fight against Germans on the battlefield, brothers slay brothers. Whoever leads German warriors against German warriors is guilty of fratricide.

We mutually pledge one another never to oppose one another with arms in the field; we promise never to fight against our German brothers; and we solemnly declare that, everywhere and to the utmost of our power, we will diffuse

and reinforce the teaching that it is accursed fratricide for German warriors to combat German warriors.

(2) We do not forget those who have fallen in the struggle for German freedom. We are convinced that should the day ever come on which in Germany gratitude should no longer be felt towards those through whose instrumentality God rescued us from the yoke of the foreign tyrant, then the Germans would once again be ripe to become slaves of the foreigner. It is the duty of every honourable and pious German man, of every honourable and pious German prince, to celebrate the eighteenth day of October.

(3) The doctrine that Germany is split up into North Germany and South Germany, is false and erroneous; it is the doctrine of a malicious enemy. We mutually pledge one another to fight against this doctrine, and to do all in our power to fight against it and to suppress it, and therewith to fight against and to suppress all similar false ideas which may contribute to an artificial disintegration of Germany.

(4) We young men who are members of the holy uncircumscribed and circumscribed Germanic Federation which the august princes and the free towns of Germany have combined to form, hereby declare our conviction of the truth of the following proposition and of the following corollary: If any portion of German land, west or east, south or north, be attacked, then Germany is attacked, and the war must be a war of all Germans. We recognise that if the Oder and the Rhine are not safe, there can be no safety for the Elbe and the Danube.

(5) So far as opportunity is afforded us, we shall all, each one in his own circle, contribute to secure that the Landwehr and the Landsturm shall be held in honour, that they shall have an ever more lively sense of duty, and that they shall be efficiently trained to arms.

(6) As far as in us lies, we shall honour the kings and princes and sovereign lords of the monarchical states, as those to whom honour is due, as those who desire and cannot but desire what is best for their land, as those from whom no injustice can issue. We declare our belief that if, despite this, injustice should be done in the name of the prince, the blame therefor attaches to the supreme officials, who must be placed under duress and punished in accordance with the measure of the wrong done.

(7) We render homage to the just and noble grand duke of Weimar. May the praise of all those young men who have not yet mislearned to love the good and the beautiful, and to hate the hateful, serve to him as preliminary indications of the praise which posterity, freed from all dread of the existing enemies of the good, will bestow upon him. Inspired by a profound knowledge and esteem for the German people, without constraint, without reluctance, without ignoble reserves and timidities, he, before all others, has redeemed the pledge given in Vienna, in days of danger, by the German princes, and has introduced an improved constitution into his own land, a constitution which contains so much that is exemplary for all German lands. We, contemporaries, shall daily echo the saying: "God bless Blucher and Weimar!"

(8) Even though, in almost all other German lands, hesitation is still displayed regarding the carrying out of the sacred promise given by the thirteenth article of the federal act, it is impossible for us to feel any doubt of the solemnly pledged word of the princes and rulers. We trust, and for this very reason we exhort. Not the princes, but their ministers must be blamed for the disasters of this interminable procrastination. Any minister who advises his prince to break oath and pledge, quickly or slowly, is a traitor. It is the right and the duty of the people to beg the prince to dismiss every minister thus guilty of high treason.

(9) We will obey the law that has been sanctioned and put in force by the head of the state after it has been examined and discussed by the elected representatives of the people; in the provisional state of affairs in which legislation is enforced without the collaboration of the representatives of the people, we will abstain from all punishable disobedience.

(10) We declare ourselves unable and unwilling to associate with the word "sovereignty," which derives from the Confederation of the Rhine, the concept of despotism. We declare further that we know no other desirable equality than equality before the law, such as has long existed in England, and such as finds definite expression for France in the constitutional *charte* of Louis XVIII.

(11) We express our conviction of the truth of that principle established in the early days of Germany that TAXES ARE NOT BURDENS BUT GIFTS; and we are equally convinced of the truth that popular approval of the taxes can be accorded solely

by ELECTED representatives of the people, and for one year only. We declare our conviction of the accuracy of the following deduction: What each individual possesses is his own exclusive property; protection of the right of individual property is the principal purpose for which the state exists; that purpose is annulled if the supreme ruler of the state is entitled to impose taxes arbitrarily; consequently, the supreme head of the state cannot rightfully, as an arbitrary exercise of power, demand from any citizen any part of that citizen's property. How can a man call that his own of which another may demand a part, when, as often as, and as much as, he will?

(12) We recognise that the owners of great estates are entitled to a quite peculiar vote and influence in the discussion of the affairs of the country, this special vote and influence being provided, either in accordance with the example of the Weimar constitution, or else in a special senate, wherein, however, there should not be deputies of all the great landlords.

(13) We loudly voice our detestation of the bonds of hereditary servitude which are still maintained upon German soil under the appearance of law. We are convinced that no blessings can ever come to this country so long as such a stigma continues to exist.

(14) We recognise that justice is not restricted, nor can be restricted in another German book; but we recognise also that justice is not restricted in an older book which came into existence among a people the majority of whose members, even in the best times, were slaves, and all of whom were slaves in later days. We hold the opinion that the safest means of favouring German law might be a prohibition to cite Roman law in our courts. We declare that we regard as important and most desirable reforms the institution of trial by jury, the establishment of publicity in legal procedure, and the abolition of the privileged jurisdictions (with the exception of that of certain senators).

(15) We promise to revere the spiritual estate, and to do all in our power to secure that this estate shall reacquire the respect which is its due. We desire to honour the working citizens. We desire to avoid, by excessive esteem, giving nourishment to the pride of leisured learning when dissociated from energetic activity. We hold that the present day has

greater need of the study of morals and politics than of the study of metaphysics.

(16) We admit ourselves unable to understand why it is that in many parts of Germany the taxes are still just as high as were the taxes paid to foreign conquerors in the days of our bondage.

(17) We pledge ourselves that should any of us at any future date enter official service, not one of us will accept any kind of office which subserves the purposes of a secret police, nor any post in the gendarmerie, nor any post in an extraordinary and illegal judicial committee, nor any office connected with the censorship of printed books; nor will any one of us ever lend his hand to the breaking of the seals of a stranger's letter (the case of war excepted).

(18) We pledge ourselves that should we ever occupy official positions, we will do all in our power to introduce freer communal administration, to establish a better police system without a gendarmerie, and to bring about the establishment in Germany of a universally valid coinage, a universal system of weights and measures, better roads, and a better postal system.

(19) We declare that we will none of us make use of the titles "edelgeboren," "hochedelgeboren," and "wohlgeboren"; we further declare that we will never apply the names "mamselle" and "madame" to any woman of unblemished reputation.

(20) We recognise that the Germans are justified in paying back other nations in their own coin, and that in international relationships the leading principle is measure for measure—in war, in diplomatic relationships, and in commerce.

(21) For this very reason, we recognise and declare it incompatible with justice that an external foreign authority should decide a nation's form of government.

(22) We recognise that as an electoral realm Germany has been unfortunate, and that to make her a hereditary realm obviates grave dangers. But since the crown is the property of a family, it, like all property, is sacred. The possession of the crown gives the highest of all rights, because it imposes the highest of all duties. Rights and duties must ever keep step. Where a right is maintained without a corresponding duty, we have privilege, that is to say, injustice. Wherever there are privileged persons, there also are other persons whose rights are restricted. The prince has a right to the crown

because upon him is imposed the duty of taking care that no citizen is restricted in his rights by any other. If all citizens have it as their duty to bear arms for the fatherland, and if all fulfil this duty, they all likewise acquire the right which is associated with the fulfilment of this duty.

(23) We wish to favour a peaceful mode of life, and to ensure that disputes shall be settled as far as possible by arbitration. We recognise that serious disputes about trifling causes, and trifling disputes about serious ills, are alike inglorious. We give assurance that we will never belong to any kind of secret society, and that we will never tolerate the institution of a secret society at a higher educational institution.

(24) We regard it as one of the principal duties of every German man and youth, as a duty which is now more pressing than ever before, to say the truth and to say it out loud, because and so long as the promised regular ways by which the princes might learn the truth about the condition of the people are still closed, and because we will have nothing to do with secret societies.

(25) We commend to the wisdom of the governments the consideration of the question whether the greatest difficulties and dangers might not be diminished if nobility were once again restricted to the eldest in each generation. One nobleman should beget one nobleman. We adjure the princes not to surround themselves solely with counsellors dominated by the spirit of caste, who, because they are so dominated, are unwilling and unable to report the truth regarding the reasonable wishes and demands of the people.

(26) We declare our conviction that many of the horrors of the French Revolution were the fault of the Jacobins, but that many other of these faults, perhaps as many, were the fault of those who did their utmost to prevent the political changes and reforms demanded by the time. We further declare our opinion and conviction that a very large part of the injustice and evil in the world arises from the long-suffering and the slothful weakness of those who endure injustice without making use of the lawful means which are available for their protection.

(27) Should the Germans be called upon to make common cause against the enemy, a common sign would certainly be desirable. What colours could be more suitable than those which Blucher bears, the colours of earnestness and purity?

VII.—METTERNICH AND THE PRUSSIAN CONSTITUTION.

(APPENDIX TO PP. 146 AND 207, VOL. III.)

In his account of the Teplitz meeting, H. Baumgarten, amid a flood of invective which I do not attempt to answer, plays his highest trumps. Yet precisely here he is so utterly wrong that I have asked myself in amazement how a man of learning who is in other respects so circumspect could possibly have been so blindly precipitate—and certainly he has been precipitate enough with his criticism.

In chapters VIII and IX of Book Two of this History [the second and the third chapters in vol. III of the English edition] I have shown how the constitutional principles of the court of Vienna had, after the year 1818, been concentrated in the formula: "No popular representation, but representation of estates." It was held that the representative system adopted in Bavaria and Baden had sprung from the idea of the sovereignty of the people, and this system was abused by Metternich, now as "democratic," now as "revolutionary," and now again as "demagogic." The only representative institutions compatible with the monarchical order were Old German diets, which, whenever possible, should be provincial diets merely. This was the sense in which Metternich had expressed himself at the congress of Aix-la-Chapelle when he urged the king of Prussia to introduce provincial diets with a central committee. From that time onwards, the memorials and letters of the Viennese statesmen continually return, through all variations, to the same idea, that there must be no democratic popular representation, but only diets of estates. Such were the sentiments of the Austrian Courts when, on July 29, 1819, Metternich met King Frederick William at Teplitz.

No information regarding this conversation is available beyond two reports sent by Metternich to Emperor Francis under dates of July 30th and August 1st respectively. Now it is hardly possible to conceive a more painful duty for the historian than the task of ascertaining what really happened at a tête-à-tête interview of which the only available account is that given by Metternich. Since the publication of Metternich's *Posthumous Papers*, all candid historians are united

in the opinion that Metternich and Napoleon I were the two greatest liars (or nearly so) of the nineteenth century. For this reason (the remark may be permitted in passing) the celebrated private conversation between these two men in the Marcolini palace is likely to remain for all time a favourite theme for insoluble historical controversies. In his letters, Metternich could never avoid the complaisant depiction of his own greatness and of the paltriness of all other mortals; moreover, he always regarded the Prussians through the smoked glasses of the year 1804. Even in Teplitz, he remained true to this bad custom. In the report of July 30th, writing of the Prussian chancellor, he gave utterance to the demonstrably malicious exaggeration: "For the rest, he is near to childhood, not in intelligence but emotionally speaking." The weaknesses of Hardenberg's old age are known to all, but this old man "near to childhood," in Berlin a few days after the Teplitz conversations, was bold enough to draft a great and liberally conceived design for a constitution; some months later, with incisive energy and sustained cunning, the same man unseated his opponent Humboldt, and then, after severe struggles, secured the acceptance by the council of state of the national debt law and the tax law which are numbered among the sturdiest legislative performances of the age. A statesman who effects all this may have many faults, but he is not near to childhood.

It is consequently certain that, in his account of what happened at Teplitz, Metternich calumniated the Prussian chancellor, and I venture to assume that he was no more conscientious where the king was concerned, the king to whom he never did full justice. His report of July 30th is unmistakably decorated with theatrical embellishments, every word being designed to display in the proper light the preponderant greatness of the writer. If King Frederick William had on July 29th in reality used the precise words which Metternich assigns to him, he would have been a miserable weakling, and Frederick William was this just as little as Hardenberg was near to childhood. I have therefore subjected Metternich's two reports to a minute comparison in the hope of ascertaining what really happened, starting from the well-tried principle that the testimony of a suspect witness is worthy of belief only when its truth is confirmed, or at least rendered probable, by other evidence. But Baumgarten is naive enough to believe

every word of Prince Metternich's; and, since he could not withhold from the public for an hour longer his benevolent criticism of my book, he could not even spare the time for a thorough perusal of these sources of information. In his friendly haste he read no more than Metternich's first report of July 30th (*Posthumous Papers*, III, p. 258), and failed to notice that immediately afterwards (III, p. 261) came a second report of August 1st which in certain respects supplements and elucidates the former. Hence it is not surprising that the eager critic completely misunderstood the sense of the conversation of July 29th.

In the report of July 30th, Metternich relates that he said to the king: "Should your majesty have resolved not to introduce any popular representation into your state of a kind which is least of all adapted thereto, the possibility of help is still open." If we assume this utterance to be faithfully reported, we have to ask what Metternich really meant by it. A fuller exposition of the meaning of his words had been given prior to this, in the course "of a long conversation" which remains unknown to us. But in essentials the answer to the question is to be found in the constitutional doctrine then prevailing at the court of Vienna, a doctrine to which allusion has already been made. Fortunately, however, Metternich himself gives a definite answer in his second report, that of August 1st. He here tells us (III, p. 265) that in Teplitz he had handed the king a memorial "giving a clear description of the true difference between constitutions based upon estates and a so-called representative system." This must be true, since Metternich enclosed for his emperor a copy of the memorial. He goes on to say that he had taken this course because he knew how greatly the king had valued his "far more superficial" memorial of Aix-la-Chapelle. From this it follows incontrovertibly that the Teplitz memorial must have developed approximately the same principles as that of Aix, but in a clearer, more definite, and more expressive manner. The editor of the *Posthumous Papers* justly points out in a note, that the Teplitz memorial "is not available, but must have been tolerably analogous to No. 305"—that is to say, to the Aix memorial. It is sufficiently obvious that in personal conversation with the king Metternich would not have given advice which directly conflicted with what he was simultaneously recommending in his memorial. It follows, therefore, that

Metternich did not say to the king, "Sire, do not carry out the promise of May, 1815," but that he warned Frederick William (just as previously in Aix, but more urgently) against such systems of popular representation as those of Bavaria and of Baden, for these latter were democratic, revolutionary, demagogic, and so on; while he adjured the king, just as he had done in Aix, to introduce diets of estates instead of a system of popular representation. Consequently my action was perfectly correct, and in accordance with all the rules of historical criticism, when I summed up the gist of the conversation by saying that Metternich had begged the king "not to grant any popular representation in the modern democratic sense, of the term, and to content himself with estates." If Baumgarten will seriously examine Metternich's second report, the one he has overlooked, he will see for himself how carelessly and superficially he set about his work of criticism. It is true that he will not admit that he is wrong, for that is a thing which the genuine and impartial member of the professorial guild is never known to do.

To unprejudiced persons all this is as clear as daylight. I append, however, a second and equally striking proof. The immediate consequence of the conversation of July 29th was the convention of August 1st, which expressly declared that Prussia would not introduce any system of general popular representation, but would have representation of estates in the provinces, and from the diets thus formed would select a central committee of territorial representatives. Here is a third proof. Thirteen days after the Teplitz conversation, Hardenberg laid before the king his plan for a constitution which, by the monarch's orders, was thereupon handed over to the constituent committee. This plan likewise was founded upon the principle that there was to be no popular representation resembling that of Bavaria or Baden, but a constitution based upon class divisions.

These Teplitz negotiations, too, cannot be dismissed by Baumgarten without giving vent to another reproach of my partiality towards the king, because I have regarded the chancellor as mainly responsible for the scandal of the Teplitz convention. I consider my judgment in the matter perfectly sound. The shame of this convention, a shame which no Prussian can ever forget, does not lie in its content, for both powers were from the first agreed upon the necessity for the

Carlsbad exceptional laws, while article 7, which deals with the Prussian constitution, does not, strictly interpreted, say anything new. What is odious in the convention is its form—that Prussia, without any quid pro quo on the part of Austria, should give a one-sided pledge to Austria about Prussian affairs. Hardenberg, as an old and experienced diplomat, should not have made himself responsible for this unprecedented defect of form. If the convention had contained an article somewhat as follows, "Austria is determined to make no change in the existing constitutions of the provincial estates in her German crown-lands (and Metternich could hardly have refused to insert such an article), form, at least, would have been preserved, and the Prussian state would have avoided the disastrous appearance of subordinating itself to the Austrian court. Hardenberg's failure to secure this is his grave and personal historical responsibility — personal to him because, single-handed, he concluded the convention with Metternich, the king not being present.

I do not overlook the monarch's serious contributory responsibility. It is undeniable that in the Teplitz conversation Frederick William played an extremely unfortunate part, for we must admit this, even if we reject, as dubious or impossible, all the stage effects of Metternich's account. This July 29th must be numbered among the most deplorable days of Frederick William's life. I gave an unreserved opinion on this matter when I said, "just as submissively as in those days the weakly Joachim II, so now did a Hohenzollern stand before the Austrian ruler." A loyal Prussian said to me, apropos of this passage: "The comparison with Joachim II is the bitterest thing that could possibly be said about a ninteenth century king of Prussia."

But there is one thing which I neither can nor will do (and it is here that I find myself in irreconcilable opposition to my critic), I cannot follow the bad example of Gervinus and Baumgarten in placing King Frederick William and his chancellor upon the same footing as a Metternich. History has already delivered its verdict. Metternich's works have perished. Austrian dominion in Germany and Italy has vanished without leaving a trace; and even the internal life of the new Austria has entered paths that have nothing in common with the statecraft of that uninspired diplomatist. Frederick William's policy, on the other hand, displays a Janus'

head. It erred on many occasions, in Teplitz, in Carlsbad, and often enough thereafter; but this same policy created the army law, the customs law, the new administrative organisation, and the new fiscal legislation—almost all the fundamentals of the modern German empire. Its works endure: we continue to build; but we still retain and utilise the foundations laid two generations ago. To say this, is to say everything.

To throw a strong light upon this contrast between the German policy of Austria and the German policy of Prussia, seems to me, not merely my duty as an unprejudiced historian, but further, my political duty towards the nation. Once more to-day do the ancient German deadly sins of quarrelsomeness, envy, and fault-finding, exhibit a luxuriant and gigantic growth. In my view, we shall not attain to a freer and humaner culture, nor rejoice in a more vigorous national pride, until we can grasp that a sympathetic understanding and explanation of the national past will ultimately prove more fruitful than carping, nagging, and railing. If my book should do something to disperse the hypochondriacal historical fantasies of the liberalising school of Gervinus, if it should help the Germans to take a more grateful and therefore a more truly liberal view of their glorious history, I shall not have laboured in vain.

Recently (1883) P. Bailleu has published in the *Historische Zeitschrift* a memorial by Metternich which does actually recommend the summoning of provincial diets and of a central representation proceeding from these. The document bears at the head, as I have been able to verify by personal inspection, the following note in Bernstorff's handwriting: "Composed by Councillor Gentz, in accordance with the instructions of Prince Metternich, Troppau, 1820." Bailleu is led by internal evidence to believe that this "Mémoire" is the Teplitz memorial, although possibly Bernstorff may have seen it for the first time in Troppau. Adolf Stern (*Researches in German History*, pp. 26 and 321) has endeavoured to prove that Metternich first sent this document to the king from Troppau on December 24, 1820, through the instrumentality of Wittgenstein. The materials at my disposal do not permit me to pass an opinion upon the merits of this dispute. But it is perfectly clear that the Teplitz memorial, if this document

has been lost, must have been couched in the same spirit as that of Troppau For the latter makes express reference to the Aix Mémoire, and closely follows the latter in its lines. If between these two memorials, that of Aix and that of Teplitz, there had existed a third memorial of divergent or even opposite sense, some record of the fact would necessarily exist, for all these works were directed to the same address, that of the king of Prussia.

For the rest, these doubts are irrelevant. Everyone agrees that Metternich did not desire the establishment of a Prussian institution, not even in the modest form of a United Landtag. the only question is whether he was really so foolish as to show his cards prematurely. This question must be answered in the negative. It is certain that in Troppau Metternich did not yet venture to advise against a central representation, although by this time the king was dissatisfied with the abortive communes' ordinance and was no longer in sympathy with the constitutional plans. In Teplitz, therefore, where the omens were far less favourable, it is impossible that the Austrian can have spoken more boldly than in Troppau. There is no difficulty at all about matters of fact. The whole dispute has originated solely because upon Metternich's words "not to grant any popular representation," Baumgarten has arbitrarily imposed a significance which they might possibly bear in the year 1882, but not in the year 1819, and still less when used by Metternich.

Somewhat more light is thrown upon these secret proceedings by the disjointed remarks about Metternich's share in the work for the Prussian constitution which are to be found in Hardenberg's diary. These run as follows:

"Troppau, November 15, 1820. Talked with Metternich about the affair of our constitution. He also will tell the king that we cannot stay where we are. Something must be done. It would be better to say outright, 'I will not grant a constitution at all,' than to maintain this uncertainty.

"November 20th. Metternich has written to the king about the constitution, and has sent him the Mémoire which M. gave me in Aix in 1818. Wittgenstein brought it to me saying that the king did not wish to discuss the matter until we returned to Berlin.

"Vienna, December 31st. Metternich gave me a memorandum, dealing with the representative constitution, which, should I

approve, he is willing to communicate to the king either personally or in writing. I am in agreement as to principles."

The extracts show that for all these years Metternich had been working behind Hardenberg's back. In November, 1820, the Prussian chancellor was still unaware that Metternich's Aix memorial had been expressly written for the king, and had been put in the latter's hands more than two years before. On December 31, 1820, he did not yet know that Metternich's Troppau memorial had been despatched to Frederick William a week earlier. It therefore remains possible that this dishonest game was still being played, and that the memorandum to which Hardenberg alludes on December 31st, was the original Teplitz memorial which had long been known to the king. If Metternich sent the Aix Mémoire to Frederick William on two separate occasions, he may well have done the same thing with his Teplitz memorial.

Fortunately I am now able to put an end to all these inferences and suppositions by a simple statement of fact. In August, 1884, the missing documents of King Frederick William III's privy council were handed over to the state archives. Among these documents are the reports upon the plans for a constitution which Hardenberg submitted to the king in the summer of 1819. Their main content is appended.

On May 2nd, Hardenberg handed the king the first draft of his plan for a constitution. In essentials this is identical with the draft which on October 12th was laid before the constituent committee, differing only in being far more concise, and in respect of a few trifling details. On June 30th, he begged once more for a speedy decision. Thereupon the king (Cabinet Order of July 3rd, 1819) commanded that the fiscal system and the national debt affair should be dealt with in accordance with Hardenberg's proposals, "but meanwhile the labours upon this representative constitution, which ought to have been undertaken long before, must be brought to a conclusion." With this end in view, a small constituent committee was to be formed.

On August 16th, the chancellor reports as follows: "When in Teplitz, I had an opportunity of discussing this important matter with Prince Metternich. He shares my conviction that simultaneously with the strict and consistent enforcement of the measures against demagogic intrigues, it is on the other hand extremely desirable that well-considered

progress should as soon as possible be effected in the matter of the constitution." Metternich, he said, had thereupon begged for an account of Hardenberg's plan for a constitution, for "the Austrian court desired to follow Prussia's example, so that the constitutions of the two leading states of Germany might resemble one another as closely as possible." Complying with this desire, the chancellor had given the prince the document entitled *Ideas concerning a Representative Constitution in Prussia*, of which a copy was appended to the present report. "These ideas," continues the report, "received Prince Metternich's fullest approval." The appended document contains nothing beyond Hardenberg's *Ideas for a Representative Constitution in Prussia* (See Appendix X), but more concisely expressed. The following is the passage in which reference is made to a general Landtag.

"The provincial assemblies will elect the deputies to the

GENERAL DIET,

each class in the provincial diet choosing its deputies from among its own members. Except in the case of its first meeting, the general diet must always meet precedently to the provincial diets. The general diet has no adminstrative powers, and concerns itself with general affairs, those which relate to the monarchy as a whole. The number of deputies to the general diet must be as restricted as possible, and it remains to be considered whether this diet should consist of a single assembly or should meet as two chambers; in the latter case, the number of members would perhaps be excessive, and the course of business might be rendered more difficult."

A reference to page 645 will show that the above sentences are almost identical with those in the plan for a constitution which was subsequently laid before the committee.

This settles the matter. In Teplitz, Metternich had expressed his definite approval of Hardenberg's constitutional plan and of the proposed Prussian general diet; it follows, that when he talked with the king he cannot have warned the latter against a constitution based upon estates, but only against a representative system after the neo-French model. Consequently my account of the Teplitz conversation is perfectly correct. The Teplitz conversations exercised no direct influence whatever upon the course of the Prussian constitutional deliberations, and from May, 1819, down to his final defeat

in the summer of 1821, Hardenberg held immutably to the same constitutional design. Even this final defeat was not effected through Metternich's instrumentality, but was the outcome of the party struggles in Prussia and was due in especial to the miscarriage of the communes' ordinance

VIII.—THE TEPLITZ CONVENTION.

(APPENDIX TO P. 207, VOL. III.)

As stated in the text, certain sentences of the Teplitz convention are verbally reproduced in the *Agreement for the principal Topics of these Negotiations* which Prince Metternich submitted to the first of the Carlsbad conferences (printed by Welcker-Klüber, *Wichtige Urkunden für den Rechtszustand der deutschen Nation*, pp. 185 et seq.). I here give the complete text, pointing out in footnotes the deviations from the Carlsbad convention.

AGREEMENT CONCERNING THE PRINCIPLES BY WHICH THE COURTS OF AUSTRIA AND PRUSSIA HAVE DETERMINED TO BE GUIDED IN THE INTERNAL AFFAIRS OF THE GERMANIC FEDERATION.

GENERAL PRINCIPLES.

(1) The Germanic Federation exists as a political body whose leading characteristics are clearly expressed in articles 1 and 2 of the federal act.

It exists as a genuinely European institution, and as one important to the maintenance of equilibrium and of general repose, and it enjoys the general guarantee which, in virtue of the Vienna congress act, secures the existence of every European state.[1]

(2) Austria and Prussia are independent European powers, and by their German lands are simultaneously states of the Germanic Federation. In virtue of the first quality, and in especial as principal participators in the work of the Vienna congress and in all the political negotiations of recent years, they are called upon to supervise the political existence of the Germanic Federation and to adhere to the same. In virtue of the second quality, it is their duty to direct particular attention to

[1] Verbally identical with No. 1 of the Carlsbad convention.

the appropriate development and to the firm establishment of internal federal affairs.[1]

(3) In so far as the Germanic Federation exists and must exist as a European political institution, in its interior no principles must find application which would be incompatible with its existence [or even which would stand in open contradiction therewith].[2]

(4) The Germanic Federation is represented as a whole by the federal assembly.

The federal assembly is, consequently, in relation to the Federation and to its inner essence, and with especial regard to articles 1 and 2 of the federal act, the supreme political authority in Germany. Its legal decisions must be inviolably executed and maintained as laws of the Federation.[3]

SPECIAL APPLICATION OF THESE PRINCIPLES.

(5) Experience has shown that, owing to an unhappy lack of confidence on the part of some of the German governments, and owing also to numerous subsidiary views counteracting the designs of the Federation, the federal bond has lacked the firmness which a Federation, as such, ought to possess. This unfortunate state of affairs can be remedied in no other way than by a close union of the courts, and the courts of Austria and Prussia are resolved [to utilise the moment in which the systematic activities of a revolutionary party threaten, not merely to effect the dissolution of the Federation, but to destroy the very existence of all the German governments, to bring about this closer union].[4]

(6) The presence of the ministers of the leading German courts must be taken advantage of in favour of a closer agreement. Should the attempt lead to happy preliminary results, the attempt must be made to perfect this understanding through a meeting of the German cabinets at the earliest possible date [particularly with a view to a majority of the votes, and especially in relation to cases where such a majority is not decisive, to secure as restricted

[1] Wanting in the Carlsbad convention.

[2] This appears as No. 2 of the Carlsbad convention, with the exception of the bracketed clause.

[3] Except for trifling changes in style this constitutes No. 3 of the Carlsbad convention.

[4] The clause as a whole is wanting in the Carlsbad convention, but the bracketed portion, somewhat altered, constitutes No. 4 of that agreement.

a decision as possible—also to secure an arrangement for vigorous executive measures].[1]

(7).[2] The most urgent matters, those about which agreement must first of all be secured, are the following :

A. Emendation of Ideas in respect of Article 13 of the Federal Act.

Prussia is resolved not to apply this article in its literal sense to her own domains until her internal financial affairs shall have been fully regulated ; that is to say, she is determined that for the representation of the nation she will not introduce any general system of popular representation incompatible with the geographical and internal configuration of her realm, but that she will give her provinces representative constitutions (*landständische Verfassungen*), and will out of these construct a central committee of territorial representatives.

As to the measures which ought to be taken to induce the German states which under the name of estates (*Ständen*) have already introduced systems of popular representation to return to a state of affairs better adapted to the circumstances of the Federation—this is a matter about which, before all, it will be well to await the proposals of the governments concerned. These proposals should then be weighed by the two courts, and not adopted until after due consideration of the many-sidedness of the problems involved.

B. General Arrangements concerning Article 18 of the Federal Act.

The two courts agree in their views regarding the principles of the subjoined project,[3] and they will support the same in order to secure its general adoption by their allies and its application in the form of a federal law.

This law, passed by the federal assembly, must if possible be put into effect before the beginning of this year's recess.

In order to secure the necessary measures for effecting their purpose (which is to restrict to the utmost the daily misleading of the people) the German governments must pledge one another

[1] This constitutes No. 5 of the Carlsbad convention, with the exception of the bracketed portion.

[2] All that follows is lacking in the Carlsbad convention.

[3] This refers to the "fundamental lines" of a decision concerning the press, submitted in Carlsbad (Welcker, op. cit., p. 193).

mutually that none of the newspaper editors who have to-day become notorious shall be given access to new editorships; and they must pledge themselves in general to reduce the excessive number of newspapers.

C. Measures concerning Universities, Gymnasia, and Schools.

In order to pay due regard to what is best for the sciences and for the moral education of youth, it is desirable that a committee should be formed composed of tried men belonging to those states which have universities, and that this committee should elaborate a well-thought-out proposal concerning the dispositions by which the above-specified purposes may best be secured. These dispositions should deal with matters of discipline, not only in respect of the students, but also, and in especial, in respect of the teachers.

As an indispensable measure, the two courts will impress upon their federal allies the absolute necessity that professors whose sentiments are notoriously bad and who are involved in the intrigues of the latter-day disorders among the students shall be immediately deprived of their chairs, and that no person who is thus discharged from any German university shall receive an appointment at a university in any other German state. But the evil must also be attacked at the root, and therefore this measure must be applied to the schools as well.

Paying due regard to the prejudices which inspire many of the German governments against a closer and most wholesome union between the two leading German courts, these latter mutually pledge one another to keep the present agreement permanently secret, and to restrict their activities to the endeavour, not merely to make the principles herein expounded the guide of their own conduct, but further to use their united energies in order to secure the widest possible application of these principles, in unison with their German federal allies.

With these ends in view, and in order to use their utmost energies to secure them, the undersigned have drawn up the present convention with their own hands.

C. F. VON HARDENBERG.

F. VON METTERNICH.

Teplitz,
August 1, 1819.

IX.—BAVARIA AND THE CARLSBAD DECREES.

(APPENDIX TO P. 245, VOL. III.)

Under the title *The Bavarian Constitution and the Carlsbad Decrees*, Baron Max von Lerchenfeld has published a work which I should merely welcome as a valuable contribution to recent German history were it not that a preliminary chapter on *Treitschke's History of Germany* demands a rejoinder

In the course of my studies concerning the first years after the peace of 1815, I have been led to form conclusions that differ somewhat widely from those generally current. It is not true that during this period Prussia was solely a force of inertia, or that the political advance of the German nation was exclusively restricted to the constitutional middle-sized states. It was during these very years of ill-fame that the Prussian crown was laying the firm foundations of the military and economic unity of our fatherland, whilst on the other hand the constitutional states must share the blame for the Carlsbad decrees and the other momentous errors of the two German great powers. This judgment pressed itself on me unsought, and to my great surprise, for twenty years ago, before I was intimately acquainted with the facts, I had in essentials shared the general opinion. But political legends are apt to die hard, and in giving expression to my new view I was naturally prepared to encounter lively opposition. But what I had not anticipated was that certain North German liberals, incensed by the destruction of deep-rooted party fables, would endeavour to stimulate against my book the local patriotic sentiments of the South Germans. Since the duty of historical veracity compelled me to demonstrate that the much-calumniated Prussian policy was better than its reputation, and that a considerable proportion of the praise lavished upon the constitutional courts by liberal historians was undeserved, I was accused of being inspired with personal hostility towards the South and Central Germans to whom I belong by birth and upbringing.

To my concern, von Lerchenfeld has not proved completely inaccessible to such suggestions. His language, it is true, as was to be expected from the man, is measured and dignified, and the quiet tone he employs convinces me once again, to my gratification, that my South German fellow-countrymen have given my book a far more friendly reception than that which it secured

from their unsolicited North German advocates. But had he regarded the *History* quite without prejudice, contemplating it with his healthy Bavarian eyes and not through the smoked glasses of the North German professors of the *Allgemeine Zeitung*, he would neither have read into it thoughts which it does not contain, nor yet have contested judgments which coincide perfectly with his own. He charges me with injustice towards Bavaria's Rhenish Confederate policy, and commends to me the example of Hardenberg, who was equitable enough to recognise that Prussia's weakness was largely responsible for Bavaria's alliance with France. Those who have not read my book will be led to infer that my opinion directly conflcits with Hardenberg's view. But what is the truth of this matter? I cannot refrain from printing the two passages in parallel columns, since this may furnish some amusement for those who, in these crotchety times, have retained a certain sense of humour.

Hardenberg (quoted by Lerchenfeld, p. 6):

"It is true that Bavaria owed her salvation to Prussia, and in especial that the elector was indebted to the king for personal friendship, and for protection and a refuge in time of trouble; but the elector may well be excused for failing to make common cause with Prussia, seeing that the latter was so weak, and could offer so little help."

Treitschke (History, Vol. II, p. 637):

"It was not out of any affection for France that in former days he [Montgelas] had broken the old alliance with Prussia, but because he recognised that the Bavarian desire for aggrandisement could at the moment expect no help from Prussian weakness whilst it might expect everything from the vigour of Bonapartism."

It seems to me that these two utterances are almost verbally identical, and in view of the good feeling with which the liberal press regards me I am almost in dread lest some staunch reviewer may take it into his head to accuse me of plagiarising from Hardenberg. But I may venture to ask an honest critic like von Lerchenfeld whether it is in jest or in earnest that he waves my own judgment threateningly before me, as if I had disputed it.

The other reproaches which he makes in his introductory chapter against my *History of Germany* fare no better upon close examination. Despite their courteous form, they all amount to

this: "Treitschke is pro-Prussian, and is therefore unfair to all who are not Prussians." When von Lerchenfeld complains that I censure everyone who during the period of which my work treats had not already recognised Prussia's German vocation, I can only rejoin that in my second volume there is not to be found a word of the kind, for the simple reason that at that time Prussia neither had nor could have any idea of dominating Germany. The only thing which might then perhaps have been secured for the consolidation of our political unity was a passable organisation of the federal military system. Again and again Prussia devoted her energies to this national aim, but every attempt was frustrated by the resistance of Bavaria and of most of the other states of the Federation. If such particularism seems to me an unexhilarating quality, surely a good patriot like von Lerchenfeld can have no objection to offer. Similarly, when I describe the struggle of the petty states against the Prussian enclave system, it is far from my mind to censure these minor states because they resisted "the German vocation" of Prussia, or because they failed to understand the designs of German customs policy, regarding which the vision of the court of Berlin itself was as yet far from clear. I aim rather at pointing out that these lesser states, blinded by mistrust and by their over-valuation of the importance of an untenable sovereignty, failed to recognise their own obvious advantage, rejecting the offer of a customs community which since then the experience of half a century has shown to be just and fruitful. What fault can be found with this demonstration? We Germans still lack a common national judgment concerning the decisive happenings of our recent history. It is by no means easy to come to an agreement about these matters, and I fear that such an agreement will not be furthered if critics consider themselves justified in denying the good faith of every historian whose views may deviate a little to the right or to the left of their own. What would Lerchenfeld say if I were to pay him back in his own coin, and were to incite my readers against him by the observation which lies very ready to hand, saying: "Herr von Lerchenfeld is the grandson of the man who was Bavarian minister of finance in 1819, and he therefore makes it his business to defend to the utmost the Munich policy of those days?"

Nothing is further from my mind than the use of such tactics. I have no doubt whatever that in writing his book von Lerchenfeld's sole aim was to establish historical facts,

and I am exceedingly grateful to him that through the communication of extracts from his grandfather's papers he has at length opened for us a Bavarian source of great value, for the archives of most of the middle-sized states will doubtless remain inaccessible for a considerable time to come. As will readily be understood, I find in these papers much which serves to amplify my own account; but I have vainly sought for the refutation which the accumulated censure of the introduction had reasonably induced me to anticipate. After a minute study of Lerchenfeld's work, I can discover in all that I have said nothing of importance to retract beyond a casual reference of no essential significance. An erroneous item of information in an ambassadorial report misled me into assuming that Crown Prince Louis (whose irreproachable loyalty to the constitution I have, for the rest, recognised in several passages) was absent in Italy in the autumn of 1819. This statement was false. The letters printed by von Lerchenfeld show, not only that the crown prince was in Bavaria, but also that he zealously opposed the Carlsbad decrees. It is with great satisfaction that in the third edition of my second volume I have been able to make use of these letters, which redound to the honour of the prince. With this solitary exception, all my expressions of opinion and all my records of fact can be maintained unaltered.

Let us consider the opinions first. When I declare that during this epoch Bavaria's state-constructive energy was "weak," in support of this judgment, wishing to avoid bitterness, I need refer to one fact alone, to the condition in which the Palatinate on the left bank of the Rhine was found when the Prussians entered it in the year 1849, after a generation of Old Bavarian dominion. If I speak of the restless desire for aggrandisement which animated the Munich court, it is because I am unfortunately not in a position to annihilate the fact that Bavaria alone, by her designs upon the Badenese Palatinate, continued until well on into the thirties to disturb the peace of the Germanic Federation, at a time when all the other federal states had long settled down in quiet acceptance of the existing territorial delimitations; and outside Bavaria all German authorities on constitutional law are unanimous in regarding the so-called Sponheim hereditary claims as untenable. A Bavarian should be the last to dispute that Montgelas did not feel at home in Bavaria. In his letters we can find no trace of affection for his native land. He speaks of his fellow-countrymen with a harshness which must be offensive even

to non-Bavarians ; and it is upon his lack of Bavarian patriotism that, in part at least, his historical importance depends. Had he not been so profoundly estranged from the Old Bavarian people, he would scarcely have ventured to undertake the radical transformation which was nevertheless essential. Finally, when I say that at this time Munich and Carlsruhe were the most immoral of all the German courts, I do no more than allude to a universally known fact, which is recognised even by Gervinus, the patron and well-wisher of the middle-sized states. Von Lerchenfeld asks if I suggest that this immorality originated in the homely court of Max Joseph. Certainly not ; but it originated in the incredible frivolity of his predecessor Charles Theodore. The doings of such a court have a long-enduring influence. As every Palatiner knows, Charles Theodore corrupted the morals of the Mannheim high nobility for a generation to come, and in Munich the good-natured Max Joseph with his ever open hands could do just as little as the children of this world, Montgelas, Ritter Lang, and company, to effect an instant removal of the lees of the old ferment. Prussia had a similar experience. The frivolous tone which had permeated Berlin society under Frederick William II became even worse during the first years of his successor's reign, although Queen Louise led an exemplary domestic life. The air was first cleared by the storm of 1806. Since Munich was spared such strokes of destiny, it is natural that there the after effects of the older court life should be more persistent.

Next for the facts. Regarding the fall of Montgelas and regarding the concordat, von Lerchenfeld says in other words almost precisely what I have said myself ; and he has but one objection to offer to my account of the origin of the constitution, expressing a doubt as to the trustworthiness of one of Blittersdorff's reports which expressly declares that the court of Munich submitted its proposed constitutional laws to St. Petersburg. I am unable to share this doubt. Whatever view we may take of Blittersdorff's character, he was a diplomatist of exceptional ability ; his despatches are among the best known to me in the period to which he belongs, and his report of August 17, 1818, is detailed and extremely precise. It is true that, as a Badenese official, he was an opponent of the Bavarian government, but his testimony can be challenged in those cases only where he desired to cast suspicion upon the court of Munich. Here he had no wish to do anything of the kind. On the contrary, he found the conduct of the Bavarian government quite comprehensible,

and for his own part had a strong desire that the court of Carlsruhe should secure the approval of the liberal-minded czar by the speedy tender of a constitutional plan. There can be no question of physical impossibility, for the discussion of the Bavarian constitutional laws occupied several months; and still less, unfortunately, can there be any question of moral impossibility. Bavaria and Baden were then competing for the favour of Russia with a subserviency which seems barely credible to us, the children of a happier day. Since in December, 1815, King Max Joseph expressed his thanks to Czar Alexander for preserving Alsace to France, I can see no reason why, two years later, the king should not have sought the czar's advice upon the constitutional negotiations.

Von Lerchenfeld admits that in the spring of 1819 King Max Joseph was for a time occupied with thoughts of a coup d'état, and that his appeal for help to Vienna and Berlin was a contributary cause of the Carlsbad decrees. This fact has received additional confirmation from the publication of a letter from Zentner, the Bavarian plenipotentiary, who on December 28, 1819, wrote from the Vienna conferences: "For the rest, it is an open secret that the Carlsbad decrees were mainly instigated from our side" (Lerchenfeld, p. 132). It seems to me by no means unnatural that the king should for a moment think of rescinding a fundamental law which appeared to be turning out ill. The seamy side of the affair was that at the very time when letters were being exchanged about the coup d'état, the crown continued to allow itself to be extolled in its official newspapers on account of its loyalty to the constitution. This is a point which von Lerchenfeld passes over in silence.

When the Carlsbad assembly had, with the assent of Rechberg, the Bavarian plenipotentiary, come to an agreement about the exceptional laws, and when the Bundestag, once more with the unconditional approval of the Bavarian envoy, had passed these laws, it was the duty of Bavaria, in accordance with the federal law, to promulgate these, and opposition at this late stage offered little prospect of success. There were two parties in the ministry. On one side was Count Rechberg; on the other was Baron von Lerchenfeld, minister of finance, who had taken no part in the Carlsbad intrigues. The king was rather on the side of the minister for foreign affairs than upon that of the liberal minister of finance. On October 15th, the ministry discussed the publication of the Carlsbad decrees. Von Lerchenfeld regards

the upshot of this deliberation as a defeat of Rechberg; to me it seems a compromise, and I hold fast to this view. For von Lerchenfeld completely ignores that the discussion about the publication was preceded by another and extremely lively debate. Under date October 20th, General Zastrow, who had received confidential information from Rechberg, reported as follows: "The instructions which were sent to Minister Rechberg in Carlsbad, and which I myself have had the opportunity of perusing at Prince Wrede's, contained express commands that he was to agree to nothing which could infringe the constitution or the sovereignty of Bavaria. Disregarding this, the minister, firmly convinced that the decrees agreed upon in Carlsbad were for the general good of all the German states, felt that he was not bound by these instructions, and believed that his well-meaning reasons for departing from them would find acceptance upon his return. Instead of this being the case, he found that there was a strong animus against him, and in especial the ministers Baron von Lerchenfeld and Count Reigersberg reproached him for his pliability as tantamount to a crime. In the last ministerial conference they desired to prove to him that this was so by documentary evidence. But Prince Wrede intervened, and declared to the ministers that it was the express desire of the king that they should discuss what was to happen in the future, without reopening questions about what had happened in the past. Thereupon tempers became cooler, and some sort of reconciliation with Count Rechberg was effected." I believe this account to be thoroughly trustworthy. The letters published by Lerchenfeld prove that his grandfather, the minister, rightly regarded Rechberg's conduct in Carlsbad as a breach of duty. But however unsatisafctory Rechberg's political conduct may appear, there can be no doubt as to his personal honour. All the confidential communications which he was accustomed with great candour to make to the Prussian envoy were, so far as I have been able to examine them in the light of other evidence, perfectly truthful.

Thus the direct attack upon Rechberg had failed. Now began the negotiation about the Carlsbad decrees themselves. Minister Lerchenfeld and his friends maintained, and again rightly, that the new federal laws (with the exception of the law concerning the universities) one and all conflicted with the Bavarian constitution. But the ministry nevertheless determined to publish the Carlsbad decrees, omitting the federal executive ordinance, and

adding the customary proviso " with due respect to sovereignty and in accordance with the constitution," etc. Assuredly this was a compromise. Each party had carried out a portion of its aims. Rechberg succeeded in avoiding being called to account for exceeding his instructions, and in securing that the most important parts of the Carlsbad decrees were published. On the other hand, the constitutional party effected the before-mentioned omission and the addition of the proviso, and they also secured that in Bavaria the censorship should apply to political newspapers alone.

What was the significance of the omission of the federal executive ordinance? It was remarkable as a symptom of the ill-humour that prevailed in the Bavarian ministerial council, and conflicted with the pledges given in Carlsbad and Frankfort, but it was devoid of practical value. For the federal executive ordinance was not a law to be enforced by the Bavarian government; it served merely to provide the Bundestag with a weapon which it might possibly have wielded against Bavaria or against some other state of the Federation, but which, as is well known, it never did employ during this period; it had the force of law as soon as the Bundestag had published it, and had full legal validity though one of the states of the Federation omitted to promulgate the law. For this reason, even the Prussian government, which complained so loudly about the Bavarian constitutional proviso, did not waste words over the omission of the federal executive ordinance. The proviso might indeed have had grave significance if the desperate resolve had been taken to carry it out in all earnestness. But such a resolve was manifestly impossible after Bavaria had twice assented to the Carlsbad decrees. Although the existence of the new central committee of inquiry unquestionably conflicted with the prescriptions of the Bavarian constitution, the Munich government immediately despatched its plenipotentiary to Mainz; and Hörmann, who acted in this capacity, was, as everyone knows, the real leader in the persecution of the German demagogues. In like manner, the restriction of the censorship to political newspapers can be regarded as an honourable proof of Bavarian loyalty to the constitution, but the restriction was also devoid of practical value. As Zentner subsequently declared in his *Memorial Concerning the Renewal of the Carlsbad Decrees* (May 28, 1824): " All other writings and all the booksellers are subjected to strict supervision by the police authorities, which have in fact secured the powers of a censorship.

It is therefore usual in Bavaria for writings which contain dangerous doctrines or principles to be seized without delay and to be withdrawn from circulation. Whenever a hint is received from abroad or from other states in the Federation concerning suspicious writings, the most careful search is immediately instituted and the diffusion of any such writing is prevented. The end aimed at by the provisional press law is by this measure attained just as well as and often better than by a censorshop." It would be difficult to give more naive expression to the fact that Bavaria wished to observe no more than the letter of its constitution, and to disregard the spirit.

There is another case in which von Lerchenfeld's account differs from mine. He relates that the constitutional party in the ministry secured the despatch of Zentner and not Rechberg to the Vienna ministerial conferences. On the other hand, Zastrow reports (once more in accordance with information from Rechberg): "Count Rechberg refuses to go to Vienna, for it would touch his honour to take a different line there from that which he took in Carlsbad. Moreover, he thinks he can be of greater use here, for he will then be in a position to exercise a personal influence upon the king, and to give the plenipotentiary in Vienna the requisite guidance; whereas if he himself went to Vienna he would have to accept guidance from Munich, and would leave the field open for the influence of persons with democratic inclinations." In my account of the matter I followed this report, for the other source of information was not then available. Now that I can compare the two relations, it seems to me that both of them are true, that they supplement one another, and do not conflict. When two hostile parties are compacted in a single cabinet it sometimes happens that they unite in a common decision wherein each party is gaining its own ends. Such was the case here. The constitutional party did not wish to allow Count Rechberg to go to Vienna, lest he should once more exceed his instructions; Rechberg, for his part, hoped by remaining in Munich to be able to pursue his own ends more effectively. The result justified Rechberg's anticipations. The German great powers were quite agreeable to the sending of Zentner, and the conduct of this prudent statesman in Vienna actually accorded with the wishes of both parties. On the one hand, he defended the Bavarian constitution against the attacks which in Vienna were directed against it, no longer by Metternich and Bernstorff, but by Marschall and Berstett, the ministers of the constitutional

states of Nassau and Baden respectively. On the other hand, he was henceforward on good terms with Metternich, while with Bernstorff he entered into a confidential relationship which was of the utmost value for Germany's future, since our customs unity was eventually the outcome of this understanding between Prussia and Bavaria. He took a middle course which, at this juncture, was for Bavaria the only sound policy. Precisely the same situation recurred in connection with the Vienna ministerial conferences of the year 1823. Then also Rechberg wished that Zentner should go to Vienna, so that his own influence in Munich might not be weakened (Zastrow's Report, December 31, 1822).

The drama of intrigue had, however, an important last act to which von Lerchenfeld makes no more than a casual reference. The two great powers complained about the Bavarian constitutional proviso, and from their point of view they had good reason to do so, for it was certainly discordant with the federal law that the Munich court, after co-operating in drawing up the decrees and twice approving them, should subsequently attach to them an ambiguous clause. In a strongly-worded ministerial despatch to Zastrow, Bernstorff demanded whether "this first deviation from the federal decrees" was to signify a severance of Bavaria from the Federation. When Zastrow read the despatch to Count Rechberg, the Bavarian minister begged him to send in a formal note upon the subject. The Prussian envoy complied with this wish upon November 8th (Zastrow's Report gives the date as November 17th), and on November 13th Rechberg sent an exceedingly diffident reply. He expressed his thanks for the new proof of Prussian friendship, and gave an assurance that Bavaria had conscientiously observed the federal decrees. In proof of this assertion he enumerated all the measures which had already been introduced for the enforcement of the Carlsbad decrees, alluding to the new ordinances about the censorship, the universities, etc., which certainly corroborated his statement. He went on to declare that his court regarded the Federation as of the utmost value, saying, "His majesty has never entertained a thought of separating himself from this Federation, or of taking up a position outside it." The form in which the decrees had been published "aimed merely at quieting the minds of the king's subjects, who might for a moment have feared lest the contemplated decrees, or rather the presidential address in which these decrees were moved, might prove injurious to certain Bavarian

laws to which they had long been accustomed, or to the Bavarian constitution which, though so recently introduced, had also become dear to them." Since von Lerchenfeld does not allude to this remarkable despatch, it is possible that Rechberg once more acted without previous knowledge on the part of the ministerial council, but he would hardly have written as he did without the king's approval. However this may be, the note was an official declaration on the part of the Bavarian government, and was accepted as such in Berlin. The Prussian government declared itself satisfied, since Rechberg's despatches stated unambiguously that Bavaria remained loyal to the Carlsbad decrees, and that the constitutional proviso had not been issued with any bad intentions. It was the natural sequel of this policy that five years later the court of Munich should cordially approve the renewal of the Carlsbad decrees.

To sum up. By its plans for a coup d'état and by its appeal for help to the great powers, the Bavarian court had contributed to the summoning of the Carlsbad conferences; at Carlsbad, through the instrumentality of its plenipotentiary, Bavaria had accepted the decrees there drawn up, and had subsequently approved them in due form by a vote at the Bundestag; then the decrees were published with two trifling alterations and with the addition of a proviso regarding sovereignty and the constitution; subsequently Bavaria had herself taken the edge off this obscure proviso by a conciliatory declaration to the great powers; and finally, when the decrees were renewed, the proviso was completely dropped. Such are the facts. I leave the verdict to my readers.

I may, however, ask my Bavarian critic to remember that the historian does not create his materials, but discovers them. It was not a pleasure to me to wash the dirty linen of the Bundestag, and to describe the Carlsbad negotiations, in which all the German courts, all without exception, played such deplorable parts. But if I am to show how our fatherland rose once again in its ancient splendour, I must first of all give an unsparing and unbiased demonstration of the swamp into which it had sunk. In my third book [English edition, vol. IV, chapter VIII] I have recounted how Prussia and Bavaria renewed their old alliance, so fruitful for good, thus securing economic unity for the fatherland. It is possible that von Lerchenfeld will now be willing to admit that he has read into my words a meaning which was far from my thoughts.

X.—HARDENBERG'S PLAN FOR A CONSTITUTION.

Ideas for a Representative Constitution in Prussia.

(Appendix to p. 255, vol. III.)

The royal edict of May 22, 1815, is the instruction from which we proceed.

We have nothing but free proprietorship.

The best basis for the constitution is a good municipal and communal ordinance. Consequently this is the most immediate need.

In accordance with this ordinance every commune manages its own affairs.

Under the guidance of some one in authority every rural parish elects a deputy. Qualifications for the suffrage: membership of one of the Christian confessions; ownership of land; full age; unblemished reputation.

The parish deputies assemble in some prearranged place in the circle, and, under the supervision of the Landrat, they elect to the circle diet a small number of deputies (number to be decided later).

Each small town in the circle proceeds like a rural parish.

Every owner of a manor in the circle, whether or not of noble birth, or every owner of a landed property of a certain size whether it has or has not hitherto been a manor, is a circle estate, *i.e.* competent elector, and may put in an appearance in the circle town to take part in the election of deputies to the circle diet. These deputies must also be drawn from the ranks of the landowners. Every mediatised noble is entitled to sit in the circle diet, either in person or by proxy.

THE CIRCLE DIET,

therefore, consists, under the presidency of the Landrat, of:

1. the mediatised resident in the circle;
2. the deputies of the circle landowners;
3. the deputies of the small towns in the circle;
4. the deputies of the rural parishes in the circle.

The circle diets have to deal with all the local affairs of the circle in accordance with the instructions (subject to revision) issued to the Landrats and to the other officials of the circle.

At the circle diets there shall be elected, chosen from the classes 2, 3, and 4, specified above, a prescribed number (as small as possible) of deputies to the provincial assembly or

THE PROVINCIAL DIET.

This body therefore consists, under the presidency of the chief (*chef*) of the province, of

1. the mediatised nobles of the province ;
2. the archbishops and bishops of the province, if any ;
3. whether the universities should have the right of sitting in the diets must be a matter for his majesty's further consideration. Simply as educational institutions they possess this right as little as do the gymnasia and the schools ; and yet in so far as they are landowners they would appear to have such a right ;
4. the great towns which themselves constitute circles ;
5. the deputies of the landowners ;
6. the deputies of the small towns ;
7. the deputies of the rural parishes.

The number of deputies under heads 5, 6, and 7 must be carefully prescribed in accordance with the number of mediatised nobles, prelates, universities, and great towns in the province.

The affairs with which the provincial diets have to deal are all those which especially concern the respective provinces, as, for example : provincial finances ; the assessment of taxation ; the administration of various institutions, such as poor houses, hospitals, lunatic asylums, and reformatories ; roads (main roads excepted) ; and the like.

It is not necessary that arrangements should be identical in all the provinces, for they must vary in accordance with local needs.

Laws and institutions which concern the monarchy as a whole do not come within the competence of the provincial diet, and can be discussed only in the general representative assembly. But it may happen that the general assembly will ask the opinion of a provincial diet, or that a provincial diet may, unsolicited, bring its views to the notice of the general assembly.

Whether the provinces are to be arranged in accordance with the old-established divisions, or in accordance with the sub-division into lord-lieutenancies, must be a matter for further consideration. At first, at any rate, in view of matters concerning the debts of the provinces, the former plan seems desirable.

The provincial assemblies will elect the deputies to

THE GENERAL DIET,

each class in the provincial diet choosing its deputies from among its own members. Except in the case of its first meeting, when it has to be appointed by election from the provincial diets, the general diet must always meet precedently to the provincial diets.

The general diet has no administrative powers, and concerns itself with general affairs, those which relate to the monarchy as a whole.

The number of deputies to the general diet must be as restricted as possible, and it remains to be considered whether this diet should consist of a single assembly or should be subdivided into two chambers; in the latter case, the number of members would perhaps be excessive, and the course of business might be rendered more difficult. If it should be decided to have two chambers, the composition of the first chamber will have to be determined.

Alike in the circle diets, the provincial diets, and the general diet, the deputies will act in accordance with their personal convictions, and must not be bound by mandates and instructions from their electors.

The circle diets and provincial diets must meet at least once a year. The frequency of meeting of the general diet remains for further consideration; the same applies to the duration of membership; to the question whether retiring members will be eligible for re-election; the same, finally, as to how votes are to be taken and decisions secured.

All subjects, without distinction of class or occupation, in so far as they belong to the categories above described, are eligible for election.

Is the initiative for new laws to be reserved for the king, or is it also to be in the power of the general diet to make legislative proposals?

Every individual is competent to make suggestions for legislation, to the king or to the state authorities, and these suggestions may be either printed or written; subordinate authorities may make proposals through the instrumentality of their presidents.

The ministers will elaborate the laws, receiving instructions for this purpose from the king, or acting on their own initiative. If his majesty thinks fit he will send the proposal to the council

of state for its opinion, and when the final draft is ready it will be laid before the diet by the appropriate minister, and the reasons underlying the legislative proposal will be expounded by this minister, who will, however, have no voice in the subsequent deliberations.

If the diet approves the proposal, either as submitted or with amendments, it is returned to the king. It only becomes a law when it has received the royal sanction. The king can entirely veto it at any time, or suggest alterations for further consideration.

What is to be done should the diet reject a legislative proposal, remains for consideration.

The circle diets and the provincial diets have administrative powers in respect of local affairs; the general diet has no administrative powers, and cannot in any way interfere in the administration. This remains exclusively reserved to the government; but, annually, summary reports of administrative work shall be submitted to the general representative assembly by the ministers, especially as regards the finances.

In accordance with the edict of May 22, 1815, the competence of the diet will extend mainly to legislation, and in especial to those laws which concern the personal rights of subjects and their property, new taxes, etc. Foreign affairs, police ordinances, and military concerns, are beyond the competence of the diet, in so far as these matters do not involve personal duties or property.

Equality of all citizens before the law; equality of the Christian confessions, tolerance and freedom for all religious practices; equal duties towards the king and the state; the right of everyone to claim a fair legal trial, and to have his case heard and to be brought to trial within a definite time; independence of the courts, such as has long existed in the Prussian monarchy, in respect of their legal decisions; the competence of everyone to present his petitions and to state his grievances to the throne in seemly language—all these things are to be adopted as parts of the constitution.

Points requiring further consideration are: the responsibility of ministers and state officials, freedom of the press and its abuses, public education, publicity of legal proceedings and of the proceedings of the various representative assemblies.

All necessary steps must be taken to ensure that the monarchical principle shall be firmly established, that true freedom and security of person and property shall harmonise with

that principle, and that in this way freedom and security may best and most enduringly persist in conjunction with order and energy. Thus the principle will be maintained:

Salus publica suprema lex esto !

XI.—HARDENBERG CONCERNING THE MINISTERIAL CRISIS OF THE YEAR 1819.

(APPENDIX TO P. 273, VOL. III.)

As is well known, for the years 1805-13 Hardenberg's diaries constitute a valuable source of historical information, first utilised by Duncker, and subsequently by Ranke, Oncken, Hassel, and others. At a later date they became continually more fragmentary, although even then from time to time they afford the expert materials for important inferences. Occasionally the chancellor allowed months to pass without writing a word, or he would write up his record after some time had elapsed (for example in the year 1815 Ligny is entered on June 16, and Belle Alliance on June 18). The diary has hardly anything to say about the change of ministry in 1819. On the other hand, among Hardenberg's posthumous papers there was found a separate leaf bearing memoranda observations manifestly written about Christmas, 1819, observations which clearly show that the chancellor had the ministerial crisis in mind. I append the essential contents.

Party formed in ministry, since the issue of cabinet order of January 11 of this year counteracting zeitgeist, censuring gymnastic art and methods of education.

Boyen and Beyne. Subsequently by Humboldt's interventions, regardless of my friendly warnings.

This party holds firmly together, especially in the matter of the enquiry, and in that of the Carlsbad decrees.

Humboldt's proposal for a report. Bernstorff's opinion: ditto Boyen's and Beyme's. Protocol ad Regem without conclusum and report. Bernstorff is not heard again.

The plan strikes deep roots. The party desires to overthrow present administration, and to seat itself in its place, presumably utilising for this purpose financial embarrassments and tax laws.

Ancillon's opinion upon the Carlsbad affair.

Very serious. It is high time. The alternatives. The

officials, many of the officers, the educational institutions, infected. Lord Lieutenant Merckel and Schön. Corruption of youth

No compromise possible. Eylert's opinion.

Criticism has become known, exercises demoralising influence. It is enough to look at any of the pamphlets of the revolutionary party. It is common talk.

In the greatest danger I stood alone with the royal confidence. Only because I was alone could I do anything. Now once more.

The war minister is gone. This is much, but is after all of no avail if Beyme and Humboldt both remain. B. and H. must receive their congé.

Plans for finances and taxation.

Reform of school system (the individualities). Merckel to be dismissed.

Pirch to receive the military educational institutions.

Lower Rhine—Bülow.

Saxony—Schönberg.

Silesia—Ingersleben.

XII.—TREITSCHKE'S PREFACE TO THE THIRD VOLUME OF THE GERMAN EDITION.

[In the English edition, the matter corresponding to this volume begins with the chapter entitled "The Vienna Conferences" and ends with the close of the chapter (in Vol. IV of the English edition) entitled "Prussia and the Eastern Question."]

In the preparation of this volume I have had an unceasing struggle with the overwhelming mass of manuscript materials. In addition to the inexhaustible treasures of the privy state-archives in Berlin, I have found of especial value the memorials and reports of Baron von Blittersdorff, Badenese federal envoy, at first a champion of the policy of the middle-sized states, and subsequently a zealous partisan of the court of Vienna. These papers provide a most desirable supplement to those left by Metternich and Gentz. I have thus been able to console myself for the notorious impossibility of consulting the Austrian archives for the period after 1815, and for the fact that I am not one of those fortunate persons in whose favour Vienna is willing to make an exception. As regards the German policy of the minor states, however, I have secured many new lights from the Carlsruhe

documents, from the correspondence of Marschall and Roentgen, the Nassau statesmen, and from certain passages in the memorial of Minister du Thil which I have been permitted to examine in the Darmstadt archives. In most cases, therefore, I have been able to represent the political plans of the three great parties in the Germanic Federation in the very words of their respective originators.

In addition, from all parts of the fatherland, from persons known to me and from persons previously unknown, I have received manifold items of intelligence, and I can do no more than express the cordial hope that in respect of the subsequent volumes of my history my readers will honour me with a confidence by which I have been profoundly touched. Even the relatives of men whom I have felt it my duty to censure, even the nephews of Carl Follen, have put me under an obligation by communicating valuable information. My richest prize was afforded by the papers of Minister von Motz, entrusted to me for examination by his nephew, Lieutenant-Colonel von Motz of Weimar (since deceased). Thus only was I enabled to draw a true picture of the high-minded statesman who did what was best for the cause of German unity during the years following the death of Hardenberg.

An authentic description of the recent past (which hardly anyone knows and which all fancy they know) must be a spiritless affair if it fails to arouse the anger of political opponents. Sciolists have ever found the naked truth hard to endure.

For this volume also, and especially for its earlier portions, I have to pray the reader's indulgence. From the tumult of German politics, often petty and insipid, there emerge again and again notable men, great questions, and fruitful ideas, whose effects we can still trace to-day. Over the polychrome medley, presides the determinism of a sublime reason.

Still more plainly than its predecessors does the present volume show that the political history of the Germanic Federation can be contemplated solely from the Prussian outlook, for he only who stands on solid ground can judge the flux of things. For the power of Prussia in our new empire, the way was prepared long beforehand by honest and quiet work. For this reason that power will endure.

HEINRICH VON TREITSCHKE.

Berlin, December 5, 1885.

PREFACE TO THE THIRD EDITION.

The changes in this new edition are few and unimportant.

PREFACE TO THE FOURTH EDITION.

The preparation for this new edition was in essentials completed by Heinrich von Treitschke. He had pointed out the misprints, and had also indicated the general lines of the few emendations in matters of fact which seemed to him requisite. The revision has been undertaken with a cautious hand. Where in certain places Treitschke had proposed to make additions to the text, it has, of course, been necessary to leave things as they were, since he had not formulated the wording; one or two essential rectifications have been made, as far as possible, in Treitschke's own words. For the rest, the volume is throughout the familiar and unaltered text of earlier editions.

XIII.—THE COMMUNES' ORDINANCE OF THE YEAR 1820.

(APPENDIX TO P. 426, VOL. III.)

The draft proposals of the communes', towns', and circles' ordinance of August 7, 1820, had long been missing. Vainly had King Frederick William IV instituted a search in various offices. By a fortunate chance I discovered them a few years ago among the papers of the late minister von Schuckmann.

In the general discussions, the chief question considered is whether a communes' ordinance for the entire monarchy was possible. The committee did not fail to recognise the great, diversity that obtained in communal relationships. In the west, there were amalgamated communes, with absolutely free property and equal rights for persons and things. In the east, there were isolated communes and privileged landlords. In the non-German provinces, tenant farming chiefly prevailed, and there was hardly a trace of communal institutions. There also had to be considered

the differences in respect of culture between Berlin and the small towns of Jewish Poland. Yet unity seemed essential, for the commune was the microcosm of the state and the foundation of its constitution.

Regarding the rural communes, the following admission was made: "The manorial relationship makes a complete communal organisation impossible." The goal at which it was necessary to aim was, however (after a settlement should have been effected), to facilitate the complete union of the landowners with the rural communes, "for we can well believe that when this shall have been done, patrimonial jurisdiction and police powers will thereafter seem valueless to the landowners. Indeed, both are likely to be regarded as a useless incumbrance when they can no longer be utilised to secure for the landowners a speedier and more relentless satisfaction of those claims which under existing relationships they make upon those bound to the soil."

In the discussion of the circle organisation, after detailed examination the committee came to the conclusion that there was no important difference in this respect between the eastern and the western provinces, for the settlement was already in progress.

In order to assuage popular anxiety, it was suggested that the following paragraph should be inserted into the introductory law: "Whether the circle deputies should have any special relationship to the future estates of our realm, and if so what this relationship should be, is a matter we reserve for more precise determination in the charter concerning the constitution."

XIV.—NOTE TO THE HISTORY OF THE PRUSSIAN CONSTITUTIONAL STRUGGLE.

(APPENDIX TO P. 571, VOL. III.)

The following draft from the pen of Prince Wittgenstein, compiled in May, 1821, immediately before the decision of the constitutional struggle, gives in outline a true picture of the views of Hardenberg's opponents.

PRINCIPAL POINTS IN WHICH THE PROPOSALS OF THE COMMITTEE AND THOSE OF THE CHANCELLOR DIVERGE.

Proposals of the Committee.	Proposals of the Chancellor.
1. Restricted to the institution of provincial diets, and do not extend to a constitution in the narrower and ordinary sense of the term.	1. A constitution — "the voluntary granting of reasonable reforms"—is proposed as a royal act of grace, and also:
2. Still less, therefore, does the committee propose that there should be a written charter.	2. A constitutional charter, a charter dealing with the entire constitution, giving expression to the royal gift as a whole.
3. Restricted to provincial diets, and do not yet touch upon the matter of a national assembly.	3. The introduction of a general national assembly at the present time, its introduction to be specified in the proposed charter.
4. According to the committee's proposals, the committee that is to sit in conjunction with the notables of the provinces is to deliberate solely concerning the composition of the provincial diets, and is not to consider the extent of the rights of these bodies, this being a matter reserved for his majesty's decision.	4. The committee, in conjunction with the notables, is to discuss other affairs in addition to those mentioned opposite.
5. The result of the committee's proposals will be the *appropriate* re-establishment of the representation of estates in the various provinces, the re-establishment, that is to say, of the older and earlier constitutions.	5. It will be evident that the outcome of the chancellor's proposals would be, not merely the re-establishment of the older and earlier constitutions affording representation of estates, but further, the simultaneous introduction of a *national* constitution, that is to say, of a *new* constitution, and consequently the foundation of a constitutional monarchy.

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